



Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 1

INTERPRETATION

Powers

4 Exercise of powers before commencement of Act of the Scottish Parliament

- (1) This section applies where an Act of the Scottish Parliament confers power to—
 - (a) make a Scottish instrument,
 - (b) establish bodies corporate,
 - (c) make appointments,
 - (d) give notices or documents,
 - (e) prescribe forms, or
 - (f) do any other thing for the purposes of the Act.
- (2) A power mentioned in subsection (1) may be exercised during the pre-commencement period if it is necessary or expedient to do so for the purpose of bringing the Act into force or giving full effect to the Act at or after the time when the provision conferring the power comes into force.
- (3) The pre-commencement period, in relation to a power mentioned in that subsection, is the period beginning with the day after the day on which the Bill for the Act receives Royal Assent and ending immediately before the coming into force of the provision of the Act that confers the power.
- (4) A power mentioned in subsection (1) may not be exercised so as to bring into force subordinate legislation or anything else before the provision conferring the power comes into force.

5 Power to appoint to an office

- (1) If an Act of the Scottish Parliament confers power to appoint a person to an office, the power includes power—
 - (a) to determine the terms and conditions of appointment,
 - (b) to remove or suspend a person from the office,
 - (c) to reappoint a person to the office,
 - (d) to reinstate a person in the office,
 - (e) where subsection (2) applies, to appoint a person to the office in place of the last holder of the office.
- (2) This subsection applies where—
 - (a) the office is vacant,
 - (b) the person holding the office is suspended from office, or
 - (c) the person holding the office is incapacitated in a way that affects the performance of the person in the office.

6 Power to revoke, amend and re-enact

- (1) Subsection (2) applies where an Act of the Scottish Parliament confers power (“the principal power”) to make a Scottish instrument.
- (2) The principal power includes power (“the ancillary power”) to revoke, amend or re-enact any Scottish instrument made by virtue of the principal power (whether or not amended or re-enacted under the ancillary power).

7 Carrying out of powers and duties more than once

- (1) A power conferred by an Act of the Scottish Parliament or a Scottish instrument may be exercised from time to time.
- (2) A duty imposed by an Act of the Scottish Parliament or a Scottish instrument may be performed from time to time.
- (3) The holder for the time being of an office—
 - (a) may exercise a power conferred on the holder of the office by an Act of the Scottish Parliament or a Scottish instrument,
 - (b) is to perform a duty imposed on the holder of the office by an Act of the Scottish Parliament or a Scottish instrument.

8 Additional powers on commencement by order

- (1) Subsection (2) applies where an Act of the Scottish Parliament confers power on the Scottish Ministers to bring the Act into force on a day appointed by them by order.
- (2) The power may be exercised so as to appoint different days for different purposes.