



Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 1

INTERPRETATION

Repeals

15 Effect of repeal generally

- (1) This section applies where an Act of the Scottish Parliament or a Scottish instrument—
 - (a) repeals an Act of the Scottish Parliament, or
 - (b) revokes a Scottish instrument.
- (2) The repeal or revocation does not affect—
 - (a) the validity, invalidity, effect or consequences of anything done or suffered under the repealed Act or revoked instrument,
 - (b) an existing right, interest, title, immunity, privilege, obligation or liability acquired, accrued or incurred under that Act or instrument,
 - (c) an existing status or capacity acquired under that Act or instrument,
 - (d) an amendment of an enactment made by the repealed Act or revoked instrument,
 - (e) the previous operation of the repealed Act or revoked instrument or anything done or suffered under the Act or instrument.
- (3) The repeal or revocation does not revive—
 - (a) an Act of the Scottish Parliament that has been repealed,
 - (b) a Scottish instrument that has been revoked,
 - (c) a rule of law that has been abolished,
 - (d) any other thing that is not in force or existing at the time at which the repeal or revocation takes effect.

16 Effect of repeal on existing rights

- (1) This section applies where an Act of the Scottish Parliament or a Scottish instrument—
 - (a) repeals an Act of the Scottish Parliament, or
 - (b) revokes a Scottish instrument.
- (2) The repeal or revocation does not affect any investigation, legal proceeding or remedy that relates to an existing right.
- (3) Any investigation, legal proceeding or remedy that relates to an existing right may be instituted, continued or enforced as if the Act had not been repealed or, as the case may be, the instrument had not been revoked.
- (4) In this section “existing right” means a right, interest, title, immunity, privilege, obligation or liability acquired, accrued or incurred under the repealed Act or revoked instrument.

17 Effect of repeal on existing liability to certain penalties

- (1) This section applies where an Act of the Scottish Parliament or a Scottish instrument—
 - (a) repeals an Act of the Scottish Parliament, or
 - (b) revokes a Scottish instrument.
- (2) The repeal or revocation does not affect a liability to a penalty for—
 - (a) an offence committed before the repeal or revocation, or
 - (b) a breach of the repealed Act or revoked instrument which occurred before the repeal or, as the case may be, revocation.
- (3) Despite the repeal or revocation, the repealed Act or revoked instrument continues to have effect as if it had not been repealed or revoked for the purpose of—
 - (a) investigating the offence or breach,
 - (b) bringing or completing proceedings for the offence or breach,
 - (c) imposing a penalty, forfeiture or punishment for the offence or breach.

18 Temporary Acts of the Scottish Parliament and Scottish instruments

- (1) Sections 15 to 17 apply to the expiry of a temporary Act of the Scottish Parliament as if the temporary Act were repealed by an Act of the Scottish Parliament.
- (2) Sections 15 to 17 apply to the expiry of a temporary Scottish instrument as if the temporary instrument were revoked by an Act of the Scottish Parliament.

19 Effect of repeal and re-enactment

- (1) This section applies where an Act of the Scottish Parliament or a Scottish instrument—
 - (a) repeals an Act of the Scottish Parliament or revokes a Scottish instrument, and
 - (b) re-enacts the repealed Act or revoked instrument (with or without modification).
- (2) Except as mentioned in subsection (3), the repeal or revocation does not affect any other Act of the Scottish Parliament or Scottish instrument in so far as that other Act or instrument applies, incorporates or refers to the repealed Act or revoked instrument.

- (3) A reference in another Act of the Scottish Parliament or Scottish instrument to the repealed Act or revoked instrument is to be construed as a reference to the re-enacted Act or instrument.
- (4) In so far as a Scottish instrument made, or having effect as if made, under the repealed Act or revoked instrument could have been made under the re-enacted Act or instrument, it is to have effect as if made under the re-enacted Act or instrument.
- (5) In so far as anything done, or having effect as if done, under the repealed Act or revoked instrument could have been done under the re-enacted Act or instrument, it is to have effect as if done under the re-enacted Act or instrument.