Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 2

SCOTTISH STATUTORY INSTRUMENTS

Definition

27 Definition of "Scottish statutory instrument"

(1) The document by which a function to which this section applies is exercised is to be known as a "Scottish statutory instrument".

(2) This section applies to—

(a) a function of the Scottish Ministers, the First Minister or the Lord Advocate of making, confirming or approving an order, regulations or rules under an enactment,

(b) a function of the Scottish Ministers, the First Minister or the Lord Advocate of making, confirming or approving other subordinate legislation under an enactment if the enactment conferring the function or any other enactment provides for the function to be exercisable by Scottish statutory instrument,

(c) a function of Her Majesty of making an Order in Council by virtue of—

(i) an Act of the Scottish Parliament,

(ii) a Scottish instrument, or

(iii) any other enactment, so far as the function is exercisable within devolved competence,

(d) a function of the High Court of Justiciary of making an act of adjournal under an enactment,

(e) a function of the Court of Session of making an act of sederunt under an enactment, and

(f) a function of any other person of making, confirming or approving subordinate legislation if the enactment conferring the function or any other enactment provides for the function to be exercisable by Scottish statutory instrument.

(3) Despite subsection (2), this section does not apply to—

(a) a function falling within subsection (2)(a), (c), (d) or (e) where the enactment conferring the function or any other enactment provides that the function is not to be exercisable by Scottish statutory instrument,

(b) a function of agreeing, consenting to or otherwise approving subordinate legislation made by a Minister of the Crown,

(c) a function which is exercised jointly with a Minister of the Crown, or

(d) a function of making an Order in Council which is, or a draft of which is, to be laid before each House of Parliament as well as the Scottish Parliament.

(4) The reference in subsection (2)(c)(iii) to a function's being exercisable within devolved competence is to be construed in accordance with section 54 of the Scotland Act 1998 (c. 46).

(5) Section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19) (acts of adjournal and acts of sederunt to be statutory instruments) is repealed.

(6) Schedule 2 makes transitional and consequential provision.

Commencement Information

I1 S. 27(1)(2)(a)(3) in force at 26.1.2011 for specified purposes by S.S.I. 2011/17, **art. 4(a)** (with art. 5)

I2 S. 27(1)(2)(a)(3) in force at 6.4.2011 in so far as not already in force by S.S.I. 2011/17, **art. 3(a)**

I3 S. 27(2)(b)-(f)s. 27(4)-(6) in force at 6.4.2011 by S.S.I. 2011/17, **art. 3(a)**

Changes to legislation:
There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Definition.