



# Interpretation and Legislative Reform (Scotland) Act 2010

## 2010 asp 10

### PART 3

#### PUBLICATION OF ACTS AND INSTRUMENTS

##### *Scottish statutory instruments*

#### **41 Queen's Printer to publish instruments**

- (1) The responsible authority must ensure that the Queen's Printer receives a certified copy of each Scottish statutory instrument as soon as practicable after the instrument is made.
- (2) As soon as practicable after receiving a certified copy of an instrument, the Queen's Printer must publish copies of the instrument in accordance with regulations under section 42.
- (3) In proceedings against a person for an offence consisting of a contravention of a Scottish statutory instrument, it is a defence to prove that, at the date of the alleged contravention, the instrument had not been published by the Queen's Printer.
- (4) The defence mentioned in subsection (3) is not available if it is proved that reasonable steps had been taken before that date by or on behalf of the responsible authority to bring the purport of the instrument to the notice of—
  - (a) the public,
  - (b) persons likely to be affected by it, or
  - (c) the person charged.
- (5) Subsections (3) and (4) do not affect any enactment or rule of law relating to the time at which any Scottish statutory instrument comes into force.
- (6) In this section “certified copy” means a copy certified by the responsible authority as being a true copy.

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*Changes to legislation: There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Scottish statutory instruments. (See end of Document for details)*

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**Annotations:**

**Modifications etc. (not altering text)**

- C1** S. 41(2)-(5) applied (with modifications) (6.4.2011) by 2009 asp 1, s. 3(5)(6) (as substituted by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.S.I. 2011/196\)](#), arts. 1, 3)
- C2** S. 41(2)-(5) applied (with modifications) (6.4.2011) by 2006 asp 12, Sch. para. 10(3)(4) (as substituted by [The Interpretation and Legislative Reform \(Scotland\) Act 2010 \(Consequential Provisions\) Order 2011 \(S.S.I. 2011/196\)](#), arts. 1, 2)
- C3** S. 41(2)-(5) applied (with modifications) (15.4.2016) by [Lobbying \(Scotland\) Act 2016 \(asp 16\)](#), s. 48(5)-(7), 52(1)

**42 Publication, numbering and citation: regulations**

- (1) The Scottish Ministers must by regulations make provision for or in connection with the publication, numbering and citation of Scottish statutory instruments.
- (2) The regulations must include provision requiring instruments to be published on a website or by other electronic means.
- (3) The regulations may in particular include provision about—
  - (a) the form of instruments,
  - (b) the manner in which instruments are to be published (in addition to that mentioned in subsection (2)),
  - (c) the classification of instruments,
  - (d) the publication of lists and annual editions of instruments (including the manner of publication),
  - (e) the evidential status of lists and annual editions of instruments and entries in them,
  - (f) charging for the provision of—
    - (i) copies of instruments, or
    - (ii) copies of lists or annual editions of instruments, and
  - (g) the conferral of functions, in connection with any matter provided for in the regulations, on—
    - (i) the Queen's Printer,
    - (ii) the Presiding Officer,
    - (iii) the responsible authority, or
    - (iv) any other person.
- (4) Regulations under this section are subject to the affirmative procedure.

**43 Preservation of Scottish statutory instruments**

- (1) The responsible authority must ensure that the Keeper of the Records of Scotland receives each Scottish statutory instrument that is signed by or on behalf of the responsible authority.
- (2) The Keeper must ensure that Scottish statutory instruments received by virtue of subsection (1) are preserved.

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**Changes to legislation:** There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Scottish statutory instruments. (See end of Document for details)

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#### **44 Publication in the Gazettes**

- (1) This section applies where an enactment requires, or has the effect of requiring, a Scottish statutory instrument to be published or notified in the London, Edinburgh or Belfast Gazette.
- (2) The enactment is taken to be complied with if a notice is published in the Gazette or Gazettes to which the requirement relates—
  - (a) stating that the instrument has been made, and
  - (b) providing information about how copies of the instrument may be obtained.

#### **45 No duty to print Scottish statutory instruments**

In section 92(1)(a) of the Scotland Act 1998 (c. 46) (functions of Queen's Printer for Scotland), after “legislation” insert “ (other than Scottish statutory instruments) ”.

#### **46 Queen's Printer: delegation of functions**

- (1) A function of the Queen's Printer under this Part, or conferred by regulations under section 42, may be carried out on the Queen's Printer's behalf by a person authorised by the Queen's Printer.
- (2) Where a function is carried out by virtue of subsection (1)—
  - (a) the Queen's Printer remains responsible for the carrying out of the function, and
  - (b) anything done by the person authorised under that subsection in pursuance of the authorisation is to be treated as done by the Queen's Printer.

**Changes to legislation:**

There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Scottish statutory instruments.