



# Interpretation and Legislative Reform (Scotland) Act 2010

## 2010 asp 10

### PART 3

#### PUBLICATION OF ACTS AND INSTRUMENTS

##### *Acts of the Scottish Parliament*

#### **38 Official prints of Acts of the Scottish Parliament**

- (1) For each calendar year, Acts of the Scottish Parliament having their Royal Assent date in that year are to be numbered consecutively, with the prefix “asp” (starting with “asp 1”).
- (2) Acts of the Scottish Parliament are to be numbered in chronological order by reference to their Royal Assent dates.
- (3) If two or more Acts of the Scottish Parliament have the same Royal Assent date, their chronological order is to be determined in accordance with subsections (4) and (5).
- (4) If separate Letters Patent are recorded as mentioned in section 28(3) of the Scotland Act 1998 (c. 46) in relation to each Bill, the order is the order in which the Letters Patent are so recorded.
- (5) If the same Letters Patent are so recorded in relation to two or more Bills the order is the order in which the Bills are mentioned in the Letters Patent.
- (6) The Clerk of the Scottish Parliament is to write on the copy of each Act of the Scottish Parliament on which the Clerk writes the Royal Assent date (as required by section 28(4) of the Scotland Act 1998 (c. 46)) the calendar year, prefix and number of the Act.
- (7) The calendar year, prefix and number written on an Act in pursuance of subsection (6) form part of the Act.
- (8) The copy of the Act on which the Clerk writes the Royal Assent date, the calendar year, prefix and number is to be known as the “official print” of the Act.

- (9) In this section “Royal Assent date”, in relation to an Act of the Scottish Parliament, means the date on which the Bill for the Act receives Royal Assent.

### **39 Publication of official prints**

- (1) As soon as practicable after complying with the requirements of section 38(6), the Clerk of the Scottish Parliament must ensure that the Queen’s Printer receives a certified copy of the Act (a “certified Act”).
- (2) As soon as practicable after receiving a certified Act, the Queen’s Printer—
  - (a) must, in pursuance of the functions imposed by section 92(1)(a) of the Scotland Act 1998 (c. 46), print copies of the certified Act and make them available for sale,
  - (b) may make other arrangements for publication of the certified Act.
- (3) In this section “certified copy” means a copy certified by the Clerk as being a true copy.

### **40 Preservation of official prints**

- (1) The Clerk of the Scottish Parliament must ensure that the Keeper of the Records of Scotland receives the official print of each Act of the Scottish Parliament.
- (2) The Keeper must ensure that official prints of Acts received by the Keeper are preserved.

### *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.

## **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.

## **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.

*Interpretation of Part 3***47 Interpretation of Part 3**

In this Part—

- "enactment" includes any enactment comprised in this Act,
- "Queen's Printer" means the Queen's Printer for Scotland,
- "responsible authority" has the meaning given by section 31(6).