

Changes to legislation: There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Paragraph 5. (See end of Document for details)

SCHEDULE 2

SCOTTISH STATUTORY INSTRUMENTS: TRANSITIONAL AND CONSEQUENTIAL PROVISION

Modifications etc. (not altering text)

C1 Sch. 2 modified (23.3.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. **68(1)**, 72(1)(c)

Other functions of making etc. subordinate legislation under pre-commencement enactments

- 5 (1) This paragraph applies in relation to—
- (a) a function of the Scottish Ministers, the First Minister or the Lord Advocate of making, confirming or approving subordinate legislation under a pre-commencement enactment,
 - (b) a function of a devolved Scottish public authority of making, confirming or approving subordinate legislation under such an enactment, and
 - (c) a function of any other person (other than a Minister of the Crown) of making, confirming or approving subordinate legislation under such an enactment, so far as the function is exercisable within devolved competence.
- (2) A provision of any pre-commencement enactment which provides for the function to be exercisable by statutory instrument has effect in relation to the exercise of the function as if it provided instead for the function to be exercisable by Scottish statutory instrument.
- (3) This paragraph does not apply in relation to a function to which paragraph 2 or 3 applies.

Commencement Information

I1 Sch. 2 para. 5 in force at 6.4.2011 by [S.S.I. 2011/17](#), art. **3(a)**

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