

SCHEDULE 4

(introduced by section 36)

APPLICATION OF PART 2 TO STATUTORY INSTRUMENTS LAID BEFORE THE PARLIAMENT

Interpretation

- 1 In this schedule—
- “pre-commencement enactment” means an enactment passed or made before Part 2 comes into force, and
- “statutory instrument” means a statutory instrument within the meaning of section 1 of the Statutory Instruments Act 1946 (c. 36).

Instruments subject to annulment in pursuance of a resolution of the Parliament

- 2 (1) This paragraph applies where, in relation to subordinate legislation which is to be made by statutory instrument, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the statutory instrument containing it, is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (2) The enactment is to be read as if it instead provided for the subordinate legislation to be subject to the negative procedure in the Scottish Parliament.
- (3) Sections 28 and 31 apply in relation to the subordinate legislation as they apply in relation to devolved subordinate legislation which is subject to the negative procedure, but as if the references in them to a Scottish statutory instrument were references to a statutory instrument.

Instruments which cannot be made unless a draft is laid before and approved by resolution of the Parliament

- 3 (1) This paragraph applies where, in relation to subordinate legislation which is to be made by statutory instrument, a pre-commencement enactment provides, or has the effect of providing, that the legislation cannot be made unless a draft of the statutory instrument containing it is laid before, and approved by resolution of, the Scottish Parliament.
- (2) The enactment is to be read as if it instead provided for the subordinate legislation to be subject to the affirmative procedure in the Scottish Parliament.
- (3) Section 29 applies in relation to the subordinate legislation as it applies in relation to devolved subordinate legislation which is subject to the affirmative procedure, but as if the reference in it to a draft of a Scottish statutory instrument were a reference to a draft of a statutory instrument.

Other instruments laid before the Parliament

- 4 (1) This paragraph applies where, in relation to subordinate legislation which is to be made by statutory instrument—
- (a) a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the statutory instrument containing it, must be laid before the Scottish Parliament, and
- (b) paragraphs 2 and 3 do not apply.

Status: This is the original version (as it was originally enacted).

- (2) Sections 30 and 31 apply in relation to the subordinate legislation as they apply in relation to devolved subordinate legislation which is not subject to the negative procedure or the affirmative procedure, but as if the references in them to a Scottish statutory instrument were references to a statutory instrument.

Laying of statutory instruments before the Parliament

- 5 Section 32 applies in relation to the laying of a statutory instrument, or a draft of a statutory instrument, before the Scottish Parliament as it applies in relation to the laying of a Scottish statutory instrument or, as the case may be, a draft of a Scottish statutory instrument, before the Parliament