

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Special cases. (See end of Document for details)

SCHEDULES

SCHEDULE 7

PROCEDURE FOR SUBORDINATE LEGISLATION

Special cases

- 3 (1) This paragraph applies if—
- (a) the instrument containing the legislation would, apart from this paragraph, be subject to the type F, G, H, I or K procedure, and
 - (b) the legislation contains provisions which add to, replace or omit any part of the text of an Act.
- (2) Where this paragraph applies—
- (a) instead of the type F procedure, the type A procedure shall apply,
 - (b) instead of the type G procedure, the type B or (as the case may be) C procedure shall apply,
 - (c) instead of the type H procedure, the type A procedure shall apply,
 - (d) instead of the type I procedure, the type B or (as the case may be) C procedure shall apply,
 - (e) instead of the type K procedure, the type E procedure shall apply.
- [^{F1}3A If legislation under section 90B amends a scheme under that section and does not contain provision—
- (a) made by virtue of subsection (12) or (19) of that section, or
 - (b) adding to, replacing or omitting any part of the text of an Act, then, instead of the type C procedure, the type I procedure shall apply.]

Textual Amendments

F1 Sch. 7 para. 3A inserted (23.3.2016) by [Scotland Act 2016 \(c. 11\)](#), ss. [36\(6\)](#), [72\(1\)\(b\)](#)

- 4 If legislation under section 129(1) makes provision as mentioned in section 112(2) then, instead of the type G procedure, the type D procedure shall apply.
- 5 (1) An instrument containing an Order in Council or order under an open power which revokes, amends or re-enacts subordinate legislation under an open power may (in spite of section 14 of the ^{M1}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original legislation was subject.
- (2) An instrument containing an Order in Council under section 89 or 90 which revokes, amends or re-enacts an Order under either section may (in spite of section 14 of the ^{M2}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original Order was subject.

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Marginal Citations

M1 1978 c. 30.

M2 1978 c. 30.

F2⁶

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Textual Amendments

F2 Sch. 7 para. 6 omitted (31.3.2022) by virtue of The European Union (Withdrawal) Act 2018 (Repeal of EU Restrictions in Devolution Legislation, etc.) Regulations 2022 (S.I. 2022/357), regs. 1(1), **2(6)(b)**

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