



Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 1

INTERPRETATION

Application of Part 1

1 Application of Part 1

(1) This Part applies to—

- (a) Acts of the Scottish Parliament the Bills for which receive Royal Assent on or after the day on which this Part comes into force,
- (b) Scottish instruments made on or after that day^[F1], in the case of Scottish instruments made as mentioned in paragraph (a) or (b) of the definition of “Scottish instrument” in subsection (4),]

[F2](ba) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (c) or (d) of the definition of “Scottish instrument” in subsection (4),] and

- (c) this Act.

(2) This Part does not apply in so far as—

- (a) the Act or instrument provides otherwise, or
- (b) the context of the Act or instrument otherwise requires.

(3) Subsection (2)(b) does not apply in relation to the application of section 20.

(4) In this Part, “Scottish instrument” means an instrument of a type mentioned in subsection (5) made under—

- (a) an Act of the Scottish Parliament (whenever passed),^{F3} ...
- (b) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed).

[F4](c) an Act of the Scottish Parliament (whenever passed) and any retained direct EU legislation (whenever made), or

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- (d) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any retained direct EU legislation (whenever made).]
- (5) The types of instrument are—
- (a) an Order in Council,
 - (b) an order,
 - (c) regulations,
 - (d) rules (including an act of sederunt, an act of adjournal and other rules of court),
 - (e) a scheme,
 - (f) a warrant,
 - (g) byelaws.
- (6) References in this Part to an Act of the Scottish Parliament include references to a provision of an Act of the Scottish Parliament.
- (7) References in this Part to a Scottish instrument include references to a provision of a Scottish instrument.
- (8) The Scottish Ministers may by order modify subsection (5).
- (9) An order under this section is subject to the affirmative procedure.
- [^{F5}(10) In this section “exit day” (and related expressions) and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).]

Textual Amendments

- F1** Words in s. 1(1)(b) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(2)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F2** S. 1(1)(ba) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(2)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F3** Word in s. 1(4)(a) omitted (4.7.2018) by virtue of European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(3)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F4** S. 1(4)(c)(d) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(3)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F5** S. 1(10) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(4)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)

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