



# Interpretation and Legislative Reform (Scotland) Act 2010

## 2010 asp 10

### PART 4

#### ORDERS SUBJECT TO SPECIAL PARLIAMENTARY PROCEDURE

#### **48 Application of Part 4**

- (1) This Part applies in relation to an order which—
  - (a) the Scottish Ministers have power to make, confirm or approve, and
  - (b) is, by virtue of an enactment, subject to special parliamentary procedure.
- (2) Such an order is referred to in this Part as a “special procedure order”.
- (3) For the purposes of paragraph (b) of section 94(2) of the Scotland Act 1998 (c. 46), this Part is to be taken to provide the special procedure referred to in that paragraph.
- (4) In subsection (1), “order” includes scheme, certificate or byelaw.

#### **49 Notice of special procedure orders**

- (1) Before a special procedure order is made, confirmed or approved by the Scottish Ministers—
  - (a) the requirements of the empowering enactment with respect to the service of notices must be complied with, and
  - (b) notice in accordance with subsection (2) must be given by advertisement—
    - (i) in the Edinburgh Gazette, and
    - (ii) in the case of a special procedure order relating to a particular area, in at least one newspaper circulating in that area.
- (2) That notice is—
  - (a) in the case of a special procedure order to be made by the Scottish Ministers on the application of any person, notice by the applicant of the purport of the application,

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in the case of a special procedure order to be confirmed or approved by the Scottish Ministers on the application of any person, notice by the applicant of the order as submitted for confirmation or approval (as the case may be),
  - (c) in the case of a special procedure order to be made by the Scottish Ministers otherwise than on the application of any person, notice by the Scottish Ministers of the order as proposed to be made.
- (3) The notice must specify the time by which and the manner in which objections may be made to the application or, as the case may be, to the proposed order.
- (4) For the purposes of this section, notice of a special procedure order is sufficient if it—
- (a) sets out the purport of the order, and
  - (b) specifies a place where copies can be obtained free of charge at all reasonable hours.

## **50 Orders to which objections are made**

- (1) This section applies where, in relation to a special procedure order—
- (a) a relevant objection is made, and
  - (b) the objection is not withdrawn.
- (2) The order may not take effect unless it is confirmed, whether with or without amendments, by an Act of the Scottish Parliament.
- (3) In subsection (1) and section 51(1), a “relevant objection” is an objection which—
- (a) if made in pursuance of a notice under section 49(1)(b), is made in accordance with the requirements of the notice,
  - (b) if made in pursuance of the empowering enactment, is made in accordance with the provisions of the enactment, and
  - (c) is not disregarded under subsection (4).
- (4) An objection may be disregarded if—
- (a) it is, in the opinion of the Scottish Ministers, frivolous or vexatious, or
  - (b) it relates to a matter that can be dealt with by an arbiter by whom compensation may be assessed.
- (5) The Bill for an Act to confirm the order—
- (a) may be introduced—
    - (i) by a member of the Scottish Executive, or
    - (ii) in the case of an order which is to be made, confirmed or approved by the Scottish Ministers on the application of any person, by the applicant,
  - (b) must set out the order, and
  - (c) in the absence of any special provision in standing orders of the Parliament concerning the procedure for such a Bill, is to be treated after introduction as a Private Bill for the purposes of those standing orders.

## **51 Orders to which no objections are made**

- (1) This section applies where, in relation to a special procedure order—
- (a) no relevant objection is made, or

- (b) a relevant objection is made and subsequently withdrawn.
- (2) The Scottish Ministers may, after the order is made, confirmed or approved, lay the order before the Scottish Parliament.
- (3) If, before the expiry of the period of 40 days beginning with the day on which a copy of the order is laid before it, the Scottish Parliament resolves that the order be annulled, the order becomes void and no further proceedings may be taken in respect of it.
- (4) If no resolution is made, the order comes into operation—
  - (a) on the day on which the period of 40 days mentioned in subsection (3) expires, or
  - (b) on such later day as may be specified in the order.
- (5) Subsection (3) is without prejudice to the laying before the Parliament of a new special procedure order.
- (6) In calculating the period of 40 days mentioned in subsection (3), no account is to be taken of any time during which the Parliament is dissolved or in recess for more than 4 days.

## **52 Statement of objections**

- (1) Subsection (2) applies where—
  - (a) a Bill for an Act of the Scottish Parliament to confirm a special procedure order is introduced in the Scottish Parliament, or
  - (b) a special procedure order is laid before the Scottish Parliament.
- (2) The Scottish Ministers must, at the same time as the Bill is introduced or, as the case may be, the order is laid, lay before the Parliament a statement specifying—
  - (a) any objections which were not withdrawn, and
  - (b) any objections which were disregarded under section 50(4).

## **53 Interpretation of Part 4**

In this Part, “empowering enactment”, in relation to a special procedure order, includes any enactment other than this Act which has the effect of requiring the service of notices in connection with the order.