

Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 6

MISCELLANEOUS AND GENERAL

55 Consequential revocation of transitional Orders

- (1) The day appointed for the purposes of article 8 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379) as the day on which the Order ceases to have effect is the day on which Part 1 comes into force.
 - (2) Despite its ceasing to have effect on the day appointed by subsection (1), the Order is to continue to apply on and after that day as it applied before that day [^{F1}(but subject to the modifications in subsections (2A) and (2B))] in relation to—
 - (a) Acts of the Scottish Parliament the Bills for which received Royal Assent before that day,
 - (b) Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made under an Act of the Scottish Parliament before that day, and
 - (c) deeds, documents and other instruments made before that day.
- [^{F2}(2A) The modification is that in article 2(1) (interpretation) the definition of “enactment” is to be read as if the words “(as that section had effect immediately before 4 June 2010) and includes any retained direct EU legislation” were inserted after “1998”.]
- [^{F2}(2B) The modifications are that Schedule 2 (general definitions) is to be read as if—
- (a) there were inserted after the title of the Schedule—

“*Definitions*”,
 - (b) in the fourth entry, the words from “The” to “prescribed by that Act;” were omitted,
 - (c) the definitions of “EEA agreement” and “EEA state” were omitted, and
 - (d) there were inserted at the end—

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“Definitions relating to EU exit

[^{F3}“EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).]

“exit day” (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

[^{F4}“IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act).]

“retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act).

“retained EU obligation” means an obligation that—

- (a) was created or arose by or under the EU Treaties before [^{F5}IP completion day], and
 - (b) forms part of retained EU law,
- as modified from time to time.

Definitions relating to the EU

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation.

“EEA state”, in relation to a time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement.

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation.

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“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Member”, in the expression “member State”, refers to membership of the EU.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day.”]

- (3) Articles 1 to 3 and 4(6) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096) are revoked.
- (4) The day appointed for the purposes of article 4(6) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096) as the day on which articles 4(1) to (5) and 5 to 15 of the Order cease to have effect is the day on which Part 2 comes into force.
- (5) The day appointed for the purposes of article 2 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Orders subject to Special Parliamentary Procedure) Order 1999 (S.I. 1999/1593) as the day on which that Order ceases to have effect is the day on which Part 4 comes into force.

Textual Amendments

- F1** Words in s. 55(2) inserted (22.3.2019 for specified purposes and otherwise on exit day) by [The European Union \(Withdrawal\) Act 2018 \(Consequential Modifications and Repeals and Revocations\) \(EU Exit\) Regulations 2019 \(S.I. 2019/628\)](#), reg. 1(2)(b)(3), **4(5)(a)**
- F2** S. 55(2A)(2B) inserted (22.3.2019 for specified purposes and otherwise on exit day) by [The European Union \(Withdrawal\) Act 2018 \(Consequential Modifications and Repeals and Revocations\) \(EU Exit\) Regulations 2019 \(S.I. 2019/628\)](#), reg. 1(2)(b)(3), **4(5)(b)**
- F3** Words in s. 55(2B)(d) inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(vii), **Sch. 5 para. 36(a)** (with s. 38(3))
- F4** Words in s. 55(2B)(d) inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(vii), **Sch. 5 para. 36(b)** (with s. 38(3))
- F5** Words in s. 55(2B)(d) substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), **Sch. 5 para. 36(e)** (with s. 38(3)); S.I. 2020/75, reg. 4(n)(xiii)

Commencement Information

- I1** S. 55 partly in force; s. 55(1)(2)(4)(5) in force at 4.6.2010 see s. 58(2)(3)
- I2** S. 55(3) in force at 6.4.2011 by [S.I. 2011/17](#), **art. 3(d)**

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56 Orders

The power to make an order under any provision of this Act (other than section 28) includes power to make such transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient.

57 Ancillary provision

- (1) The Scottish Ministers may by order make such supplementary, incidental or consequential provision as they consider appropriate for the purpose of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) The Scottish Ministers may by order make such provision as they consider necessary or expedient for transitional, transitory or saving purposes in connection with the coming into force of any provision of this Act.
- (3) An order under subsection (1) or (2) may modify any enactment.
- (4) An order under subsection (1) is subject to the affirmative procedure.
- (5) An order under subsection (2) is subject to the negative procedure.

58 Short title and commencement

- (1) This Act may be cited as the Interpretation and Legislative Reform (Scotland) Act 2010.
- (2) Except as mentioned in subsection (3), this Act comes into force at the beginning of the day after the day on which the Bill for the Act receives Royal Assent.
- (3) Parts 2, 4 and 5, and, in Part 6, section 55(3) come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1A) inserted by [S.I. 2020/1447 reg. 5\(2\)](#)
- s. 14(2A) inserted by [S.I. 2020/1447 reg. 5\(4\)\(a\)](#)
- s. 14(3)-(5) inserted by [S.I. 2019/628 reg. 4\(3\)](#)
- s. 14(3) words inserted by [S.I. 2020/1447 reg. 5\(4\)\(b\)](#)
- s. 14(3) words inserted in earlier amending provision [S.I. 2019/628, reg. 4\(3\)](#) by [S.I. 2020/463 reg. 10\(5\)](#)
- s. 14(3) words substituted by [2020 c. 1 Sch. 5 para. 34](#)
- s. 14(5) words substituted by [S.I. 2020/1447 reg. 5\(4\)\(c\)\(i\)](#)
- s. 14(5) words substituted by [S.I. 2020/1447 reg. 5\(4\)\(c\)\(ii\)](#)
- s. 14(6) inserted by [S.I. 2020/1447 reg. 5\(4\)\(d\)](#)

Commencement Orders yet to be applied to the Interpretation and Legislative Reform (Scotland) Act 2010

Commencement Orders bringing provisions within this Act into force:

- [S.S.I. 2011/4 art. 34](#) commences ([2010 asp 10](#))