

Status: Point in time view as at 07/04/2020.

Changes to legislation: There are currently no known outstanding effects for the Coronavirus (Scotland) Act 2020, Cross Heading: Scrutiny of subordinate legislation in urgent cases. (See end of Document for details)

SCHEDULE 7 OTHER MEASURES IN RESPONSE TO CORONAVIRUS

Scrutiny of subordinate legislation in urgent cases

- 23 Subordinate legislation which—
- (a) is to be made by Scottish statutory instrument, and
 - (b) would (but for this paragraph) be subject to the affirmative procedure,
- may be made without being subject to that procedure if the person making the legislation considers that necessary by reason of urgency.
- 24 A Scottish statutory instrument containing subordinate legislation made in accordance with paragraph 23 must state that the person who made it considered it necessary, by reason of urgency, to make the legislation in accordance with paragraph 23.
- 25 Where subordinate legislation is made in accordance with paragraph 23, the following do not apply—
- (a) a requirement to take any steps before or when laying a draft Scottish statutory instrument containing the legislation before the Scottish Parliament in accordance with section 29(2) of the Interpretation and Legislative Reform (Scotland) Act 2010,
 - (b) a requirement to take any steps while a draft Scottish statutory instrument containing the legislation is lying before the Parliament in accordance with that section,
 - (c) any other requirement to take steps before making the subordinate legislation.
- 26 Subordinate legislation made in accordance with paragraph 23 must be laid before the Scottish Parliament as soon as reasonably practicable after it is made.
- 27 Subordinate legislation made in accordance with paragraph 23 ceases to have effect at the end of the period of 28 days beginning with the day on which it is made unless, during that period, the legislation is approved by resolution of the Scottish Parliament.
- 28 In calculating the period of 28 days for the purpose of paragraph 27, no account is to be taken of any period during which the Scottish Parliament is—
- (a) in recess for more than 4 days, or
 - (b) dissolved.
- 29 If subordinate legislation ceases to have effect as a result of paragraph 27, that does not—
- (a) affect the validity of anything previously done under the legislation, or
 - (b) prevent the making of new subordinate legislation.
- 30 (1) In paragraphs 23 to 29, “subordinate legislation” includes an instrument to be made under any retained direct EU legislation on or after exit day (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act)).
- (2) Paragraphs 23 to 29 do not apply to regulations to be made under paragraph 20(1) of schedule 4.

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