

*These notes relate to the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4) which received Royal Assent on 29 January 2021*

# **UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **OVERVIEW AND BACKGROUND**

#### **Part 1 – Alignment With Eu Law**

##### ***Section 2 – Purpose of maintaining and advancing standards***

38. **Section 2** sets out that the purpose of section 1(1), amongst other things, is to contribute towards maintaining and advancing standards in certain specified areas, namely: environmental protection; animal health and welfare; plant health; equality, non-discrimination and human rights; and social protection. When using the power under section 1(1), the Scottish Ministers must have due regard to this purpose.
39. While section 48 of the Act sets out that the purpose of the Act as a whole is to make provision in connection with UK withdrawal, section 2 specifically relates to the use of the power under section 1(1), effectively providing a steer as to how the power should be used, without removing the discretionary nature of the power, or limiting the use of the power to the areas listed.