



UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

PART 1

ALIGNMENT WITH EU LAW

12 Interpretation of Part 1

(1) In this Part—

“EU decision” means—

- (a) a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, or
- (b) a decision under former Article 34(2)(c) of the Treaty on European Union,

“EU directive” means a directive within the meaning of Article 288 of the Treaty on the Functioning of the European Union,

“EU entity” means an EU institution or any office, body or agency of the EU,

“EU reference” means—

- (a) any reference to the EU, an EU entity or a member State,
- (b) any reference to an EU directive or any other EU law, or
- (c) any other reference which relates to the EU,

“EU regulation” means a regulation within the meaning of Article 288 of the Treaty on the Functioning of the European Union,

“EU tertiary legislation” means—

- (a) any provision made under—
 - (i) an EU regulation,
 - (ii) a decision within the meaning of Article 288 of the Treaty on the Functioning of the European Union, or
 - (iii) an EU directive,

by virtue of Article 290 or 291(2) of the Treaty on the Functioning of the European Union or former Article 202 of the Treaty establishing the European Community, or

Status: This is the original version (as it was originally enacted).

- (b) any measure adopted in accordance with former Article 34(2)(c) of the Treaty on European Union to implement decisions under former Article 34(2)(c),
but does not include any such provision or measure which is an EU directive,
“member State” (except in the definition of “EU reference”) does not include the United Kingdom,
“public authority”—
- (a) means a public authority within the meaning of section 6 of the Human Rights Act 1998, but
 - (b) does not include the Scottish Parliament or a person exercising functions in connection with proceedings in the Scottish Parliament,
- “Scottish public authority” means a public authority whose functions are exercisable only in or as regards Scotland.
- (2) References in section 1(1) to an EU regulation, EU tertiary legislation, an EU decision or an EU directive include references to any provision or part of the EU regulation, EU tertiary legislation, the EU decision or the EU directive.
- (3) References in subsection (1) to former Article 34(2)(c) of the Treaty on European Union are references to that Article as it had effect at any time before the coming into force of the Treaty of Lisbon Amending the Treaty on European Union and the Treaty establishing the European Community signed at Lisbon on 13 December 2007.
- (4) Any other reference in subsection (1) to an Article of the Treaty on European Union or the Treaty on the Functioning of the European Union includes a reference to that Article as applied by Article 106a of the Euratom Treaty.