



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

2021 asp 4

PART 1

ALIGNMENT WITH EU LAW

5 Scrutiny of regulations under section 1(1)

- (1) Regulations under section 1(1) which contain provision falling within subsection (2) are subject to the affirmative procedure.
- (2) That provision is provision which—
 - (a) abolishes a function of an EU entity or a public authority in a member State without providing for an equivalent function to be exercisable by any person,
 - (b) provides for a function mentioned in section 1(3) or (4) to be exercisable by a Scottish public authority, or by a different Scottish public authority (as the case may be), or by any person whom the Scottish public authority authorises to carry out functions on its behalf,
 - (c) falls within section 1(5), regarding the charging of fees or other charges in connection with the exercise of a function by a Scottish public authority, except for provision which relates only to altering the amount of a fee or charge to reflect changes in the value of money,
 - (d) creates, or widens the scope of, a criminal offence,
 - (e) creates or amends a power to legislate.
- (3) Any other regulations under section 1(1) are (if they have not been subject to the affirmative procedure) subject to the negative procedure.