



# Coronavirus (Recovery and Reform) (Scotland) Act 2022

2022 asp 8

## PART 2

### EDUCATION

#### CHAPTER 1

##### EDUCATIONAL ESTABLISHMENTS ETC.

#### 12 Procedure for regulations

- (1) Regulations made by the Scottish Ministers under this Chapter are subject to the affirmative procedure, unless [subsection \(2\)](#) applies to them.
- (2) This subsection applies to regulations if the Scottish statutory instrument containing the regulations includes a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.
- (3) Where [subsection \(2\)](#) applies—
  - (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply to the regulations,
  - (b) the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made, and
  - (c) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the Scottish statutory instrument containing them is approved by a resolution of the Parliament.
- (4) In calculating the period of 28 days mentioned in [subsection \(3\)\(c\)](#), no account is to be taken of any time during which the Scottish Parliament is—
  - (a) in recess for more than 4 days, or
  - (b) dissolved.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Regulations ceasing to have effect by virtue of [subsection \(3\)\(c\)](#) neither—
- (a) affects anything previously done under the regulations before they ceased to have effect, nor
  - (b) prevents new regulations being made.
- (6) Where subsection (2) applies to regulations made under this Chapter, the Scottish Ministers must explain why they are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.
- (7) Where subsection (2) applies to regulations made under this Chapter, the regulations must include provision for them to expire on a day specified in the regulations.
- (8) Subsection (7) does not apply where the regulations amend regulations in which the provision mentioned in subsection (7) has already been included.
- (9) Where subsection (2) applies but the regulations—
- (a) revoke (in whole or in part) previous regulations made under this Chapter, and
  - (b) do—
    - (i) nothing else, or
    - (ii) nothing else except make transitional, transitory or saving provision related to the revocation,
- the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made (and subsection (3)(b) and (c) do not apply to the regulations).