

*Status: This version of this provision is prospective.*

*Changes to legislation: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Section 40 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



# United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024

2024 asp 1

## PART 6

### REMEDIAL REGULATIONS

PROSPECTIVE

#### 40 Remedial regulations: procedure

- (1) Remedial regulations are subject to the affirmative procedure.
- (2) Before laying a draft of a Scottish statutory instrument containing remedial regulations before the Scottish Parliament, the Scottish Ministers must—
  - (a) lay a copy of the proposed draft regulations, together with a document setting out their reasons for proposing to make the regulations, before the Scottish Parliament,
  - (b) give such public notice of the contents of the proposed draft regulations as they consider appropriate and invite persons wishing to make observations on the draft regulations to do so, in writing, within the comment period,
  - (c) have regard to any written observations submitted within the comment period.
- (3) In subsection (2)(b), the “comment period” means the period of 60 days beginning with—
  - (a) the day on which the public notice was given,
  - (b) if earlier, the day on which the draft regulations were laid, or
  - (c) if both (a) and (b) happened on the same day, that day.
- (4) Along with a draft of a Scottish statutory instrument containing remedial regulations, the Scottish Ministers must also lay before the Scottish Parliament a document which—

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- (a) summarises the observations to which they had regard under subsection (2)(c), and
  - (b) sets out the changes (if any) which they have made to the remedial regulations and the reasons for them.
- (5) In calculating the period of 60 days for the purpose of subsection (3), 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.

#### Commencement Information

- II** S. 40 comes into force in accordance with s. 47(2)

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**Changes and effects yet to be applied to :**

- s. 40 coming into force by [2024 asp 1 s. 47\(2\)](#)