



Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 1

INTERPRETATION

Application of Part 1

1 Application of Part 1

(1) This Part applies to—

- (a) Acts of the Scottish Parliament the Bills for which receive Royal Assent on or after the day on which this Part comes into force,
- (b) Scottish instruments made on or after that day ^[F1], in the case of Scottish instruments made as mentioned in paragraph (a) or (b) of the definition of “Scottish instrument” in subsection (4),]
- ^[F2](ba) Scottish instruments made on or after ^[F3]IP completion day], in the case of Scottish instruments made as mentioned in paragraph (c) or (d) of the definition of “Scottish instrument” in subsection (4),]^[F4]...
- ^[F5](bb) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (e) or (f) of the definition of “Scottish instrument” in subsection (4), and]
- (c) this Act.

^[F6](1A) Subsection (1) is subject to section 14(2A) and (3).]

(2) This Part does not apply in so far as—

- (a) the Act or instrument provides otherwise, or
- (b) the context of the Act or instrument otherwise requires.

(3) Subsection (2)(b) does not apply in relation to the application of section 20.

(4) In this Part, “Scottish instrument” means an instrument of a type mentioned in subsection (5) made under—

- (a) an Act of the Scottish Parliament (whenever passed), ^{F7}...

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- (b) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed).
 - [^{F8}(c) an Act of the Scottish Parliament (whenever passed) and any [^{F9}assimilated direct] legislation (whenever made), ^{F10} ...
 - (d) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any [^{F9}assimilated direct] legislation (whenever made).]
 - [^{F11}(e) an Act of the Scottish Parliament (whenever passed) and any [^{F9}assimilated direct] CAP legislation (within the meaning of section 2(10) of the Direct Payments to Farmers (Legislative Continuity) Act 2020) (whenever made), or
 - (f) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any [^{F9}assimilated direct] CAP legislation (within the meaning of section 2(10) of the Direct Payments to Farmers (Legislative Continuity) Act 2020) (whenever made).]
- (5) The types of instrument are—
- (a) an Order in Council,
 - (b) an order,
 - (c) regulations,
 - (d) rules (including an act of sederunt, an act of adjournal and other rules of court),
 - (e) a scheme,
 - (f) a warrant,
 - (g) byelaws.
- (6) References in this Part to an Act of the Scottish Parliament include references to a provision of an Act of the Scottish Parliament.
- (7) References in this Part to a Scottish instrument include references to a provision of a Scottish instrument.
- (8) The Scottish Ministers may by order modify subsection (5).
- (9) An order under this section is subject to the affirmative procedure.
- ^{F12}(10)

Textual Amendments

- F1** Words in s. 1(1)(b) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(2)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F2** S. 1(1)(ba) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(2)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F3** Words in s. 1(1)(ba) substituted (31.1.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 33** (with s. 38(3)); S.I. 2020/75, reg. 4(n)(xi)
- F4** Word in s. 1(1) repealed (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), **5(2)(a)**
- F5** S. 1(1)(bb) inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), **5(2)(b)**
- F6** S. 1(1A) inserted (31.12.2020) by The European Union Withdrawal (Consequential Modifications) (EU Exit) Regulations 2020 (S.I. 2020/1447), regs. 1(3), **5(2)**
- F7** Word in s. 1(4)(a) omitted (4.7.2018) by virtue of European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(3)(a)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)
- F8** S. 1(4)(c)(d) inserted (4.7.2018) by European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 32(3)(b)** (with s. 19, Sch. 8 para. 37); S.I. 2018/808, reg. 3(g)(v)

Changes to legislation: *There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Application of Part 1. (See end of Document for details)*

- F9** Words in s. 1(4) substituted (1.1.2024) by Retained EU Law (Revocation and Reform) Act 2023 (c. 28), s. 22(3), **Sch. 2 para. 7(2)** (with s. 22(6)); S.I. 2023/1363, reg. 3(e)
- F10** Word in s. 1(4) repealed (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), **5(3)(a)**
- F11** S. 1(4)(e)(f) inserted (30.4.2020) by The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 (S.I. 2020/463), regs. 1(1), **5(3)(b)**
- F12** S. 1(10) omitted (31.12.2020) by virtue of The European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019 (S.I. 2019/628), regs. 1(3), **4(2)**; 2020 c. 1, **Sch. 5 para. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Cross Heading: Application of Part 1.