



# Referendums (Scotland) Act 2020

## 2020 asp 2

### *Power to modify this Act*

#### **37 Power to modify this Act**

- (1) The Scottish Ministers may by regulations make such modifications of this Act as they consider necessary or expedient—
  - (a) in consequence of or in connection with any modification of any other enactment relating to—
    - (i) the conduct of referendums or campaigning in any referendum,
    - (ii) the conduct of elections or campaigning in elections,
    - (iii) entitlement to vote at any referendum or any election,
  - (b) to give effect to recommendations of the Electoral Commission.
- (2) Regulations under subsection (1) may include incidental, supplementary, consequential, transitional, transitory or saving provision.
- (3) Regulations under subsection (1) are subject to the affirmative procedure.
- (4) The Scottish Ministers must consult the Electoral Commission and such other persons as they consider appropriate before laying a draft Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament for approval.
- (5) When laying a draft Scottish statutory instrument containing regulations under subsection (1) before the Scottish Parliament, the Scottish Ministers must also lay before the Parliament a document giving details of—
  - (a) the consultation carried out under subsection (4),
  - (b) any representations received as a result of the consultation, and
  - (c) the changes (if any) made to the proposed draft regulations as a result of those representations.

#### **38 Power to vary specified sums**

- (1) The Scottish Ministers may by regulations vary any sum for the time being specified in this Act.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Scottish Ministers may make regulations under subsection (1)—
  - (a) where they consider it expedient to do so in consequence of changes in the value of money, or
  - (b) in order to give effect to a recommendation of the Electoral Commission.
- (3) Regulations under subsection (1) are—
  - (a) where subsection (2)(a) applies, subject to the negative procedure,
  - (b) where subsection (2)(b) applies, subject to the affirmative procedure.
- (4) This section does not affect the generality of the power conferred by section 37(1).