

Draft Order laid before the Scottish Parliament under section 57(4) of the Interpretation and Legislative Reform (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

CONSTITUTIONAL LAW
DEVOLUTION, SCOTLAND
SCOTTISH PARLIAMENT
PENSIONS

**The Interpretation and Legislative Reform (Scotland) Act 2010
(Consequential Provisions) Order 2011**

Made - - - -

Coming into force - -

6th April 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 57(1) and (3) of the Interpretation and Legislative Reform (Scotland) Act 2010^(a) and all other powers enabling them to do so.

In accordance with section 57(4) of that Act, a draft of this instrument has been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Interpretation and Legislative Reform (Scotland) Act 2010 (Consequential Provisions) Order 2011 and comes into force on 6th April 2011.

Amendment of the Interests of Members of the Scottish Parliament Act 2006

2. For paragraph 10(2) of the schedule to the Interests of Members of the Scottish Parliament Act 2006^(b) substitute—

“(2) Immediately after any such resolution is passed, the Clerk shall send a copy of it to the Queen’s Printer for Scotland (“the Queen’s Printer”).

(a) 2010 asp 10.
(b) 2006 asp 12.

(3) Section 41(2) to (5) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and the Scottish Statutory Instruments Regulations 2011 (S.S.I. 2011/) apply to the resolution—

- (a) as if it were a Scottish statutory instrument,
- (b) as if the copy of it sent to the Queen’s Printer under sub-paragraph (2) was a certified copy received in accordance with section 41(1) of the Interpretation and Legislative Reform (Scotland) Act 2010, and
- (c) with the modifications set out in sub-paragraphs (4) and (5).

(4) References to “responsible authority” are to be read as references to the Clerk.

(5) Regulation 7(2) and (3) of the Scottish Statutory Instruments Regulations 2011 does not apply.”.

Amendment of the Scottish Parliamentary Pensions Act 2009

3. For section 3(4) of the Scottish Parliamentary Pensions Act 2009(a) substitute—

“(4) The Clerk of the Parliament must send a copy of a resolution to the Queen’s Printer for Scotland (“the Queen’s Printer”) immediately after it is passed.

(5) Section 41(2) to (5) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and the Scottish Statutory Instruments Regulations 2011 (S.S.I. 2011/) apply to the resolution—

- (a) as if it were a Scottish statutory instrument,
- (b) as if the copy of it sent to the Queen’s Printer under subsection (4) was a certified copy received in accordance with section 41(1) of the Interpretation and Legislative Reform (Scotland) Act 2010, and
- (c) with the modifications set out in subsections (6) and (7).

(6) References to “responsible authority” are to be read as references to the Clerk of the Parliament.

(7) Regulation 7(2) and (3) of the Scottish Statutory Instruments Regulations 2011 does not apply.”.

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh

(a) 2009 asp 1.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Interests of Members of the Scottish Parliament Act 2006 and the Scottish Parliamentary Pensions Act 2009. Both of those Acts provide for the Scottish Parliament to pass resolutions and, as enacted, provided for the Scotland Act 1998 (Transitional and Transitory Provisions) (Statutory Instruments) Order 1999 (S.I. 1999/1096) to apply to any such resolution as if it was a Scottish statutory instrument. That Order ceased to have effect on 6th April 2011 by virtue of section 55 of the Interpretation and Legislative Reform (Scotland) Act 2010. From that date provision in relation to the numbering, citation and publication of Scottish statutory instruments is instead made by the Interpretation and Legislative Reform (Scotland) Act 2010 and by the Scottish Statutory Instruments Regulations 2011. This Order provides for those enactments to apply, subject to modifications, to the resolutions of the Scottish Parliament referred to in the Interests of Members of the Scottish Parliament Act 2006 and the Scottish Parliamentary Pensions Act 2009 as if they were Scottish statutory instruments.

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