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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**CONSTITUTIONAL LAW**

**The Scottish Statutory Instruments Regulations 2011**

*Made* - - - -

*Coming into force* - -

*6th April 2011*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 42 of the Interpretation and Legislative Reform (Scotland) Act 2010(a) and all other powers enabling them to do so.

In accordance with section 42(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. These Regulations may be cited as the Scottish Statutory Instruments Regulations 2011 and come into force on 6th April 2011.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Interpretation and Legislative Reform (Scotland) Act 2010;

“annual edition” has the meaning given by regulation 9(1);

“certified copy” has the meaning given by section 41(6) of the Act;

“draft instrument” means a draft Scottish statutory instrument laid before the Scottish Parliament in accordance with the provisions of any enactment;

“instrument” means Scottish statutory instrument;

“responsible authority” has the meaning given by section 31(6) of the Act;

“Scottish Statutory Instruments Issue List” has the meaning given by regulation 8(1);

“Queen’s Printer” means the Queen’s Printer for Scotland; and

“the Queen’s Printer’s website” means the website maintained by, or on behalf of, the Queen’s Printer with the internet domain name [legislation.gov.uk](http://legislation.gov.uk).

### **Numbering of instruments**

3.—(1) After receiving a certified copy of an instrument in accordance with section 41(1) of the Act, the Queen’s Printer must—

- (a) allocate the instrument to the series of the calendar year in which it was made; and
- (b) assign a number to the instrument in accordance with paragraph (2).

(2) The first instrument allocated to the series of each calendar year is to be assigned number 1 and the instruments allocated to that series thereafter are, as nearly as possible in the order in which the certified copies are received by the Queen’s Printer, to be assigned numbers consecutively.

### **Citation of instruments**

4.—(1) Without prejudice to any other mode of citation, any instrument may be cited—

- (a) by its title; or
- (b) as “S.S.I. [Year]/[Number]” (for example S.S.I. 2011/1), where—
  - [Year] is the calendar year of the series to which the instrument has been allocated; and
  - [Number] is the number assigned to the instrument under regulation 3.

(2) An instrument may continue to be cited by the title authorised by any enactment despite the revocation of that enactment.

### **Form of instruments**

5.—(1) The Queen’s Printer must ensure that every copy of an instrument published by the Queen’s Printer bears—

- (a) the heading “SCOTTISH STATUTORY INSTRUMENTS”;
- (b) the calendar year of the series to which the instrument has been allocated followed by “No.” and the number assigned to it under regulation 3 (for example 2011 No. 1);
- (c) a statement showing the date on which the instrument was made; and
- (d) a statement showing the date on which the instrument comes into force.

(2) If an instrument has been laid before the Scottish Parliament in accordance with the requirements of any enactment, the Queen’s Printer must also ensure that every copy of that instrument published by the Queen’s Printer bears a statement showing the date on which the instrument was laid before the Parliament.

### **Publishing copies of instruments on a website**

6. As soon as practicable after receiving a certified copy of an instrument in accordance with section 41(1) of the Act, the Queen’s Printer must publish on the Queen’s Printer’s website—

- (a) a copy of the instrument; and
- (b) any document related to the instrument that the responsible authority requests the Queen’s Printer to publish.

### **Printing copies of instruments for the National Library of Scotland**

7.—(1) As soon as practicable after receiving a certified copy of an instrument in accordance with section 41(1) of the Act, the Queen’s Printer must print a copy of the instrument and deliver it (at the Queen’s Printer’s own expense)—

- (a) to any address specified for the purpose of section 1(1) of the Legal Deposit Libraries Act 2003(a) by the authorities controlling the National Library of Scotland; or
- (b) to the National Library of Scotland, if the authorities controlling that library have not specified an address.

(2) Paragraph (1) does not apply in relation to any instrument that there is no statutory requirement to lay, or lay in draft, before the Scottish Parliament unless—

- (a) when sending the certified copy to the Queen’s Printer, the responsible authority requests that a printed copy of the instrument be delivered to the National Library of Scotland; or
- (b) the Presiding Officer requests that a printed copy of the instrument be delivered to the National Library of Scotland.

(3) In paragraph (2)(b) “Presiding Officer” is to be interpreted in accordance with section 19 of the Scotland Act 1998(b).

### **Lists of instruments**

8.—(1) A list published by the Queen’s Printer under paragraph (2) of this regulation is to be known as a “Scottish Statutory Instruments Issue List”.

(2) The Queen’s Printer must, from time to time, prepare and publish on the Queen’s Printer’s website a list of all the instruments that were published under regulation 6 during the period to which the list relates.

(3) A list prepared and published under paragraph (2) must include the following information about each instrument listed:—

- (a) its title;
- (b) the number assigned to it under regulation 3(1); and
- (c) the date on which a copy of it was published under regulation 6.

### **Annual editions of instruments**

9.—(1) A document prepared by the Queen’s Printer under paragraph (2) of this regulation is referred to in these Regulations as an “annual edition”.

(2) The Queen’s Printer must, as soon as practicable after each calendar year, prepare a document which is to include—

- (a) a copy of every instrument that has been printed under regulation 7 and allocated to the series of the calendar year prior to the year of the document’s publication;
- (b) copies of all published Scottish Statutory Instruments Issue Lists insofar as they refer to instruments allocated to the series of the calendar year prior to the year of the document’s publication;
- (c) tables showing the effect on enactments and previous statutory rules (whether Scottish or not) of the instruments described in sub-paragraph (b); and
- (d) an index.

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(a) 2003 c.28.  
(b) 1998 c.46.

## **Evidential status of lists and annual editions of instruments and entries in them**

**10.**—(1) In any legal proceedings—

- (a) a copy of a Scottish Statutory Instruments Issue List, printed under regulation 12, is to be received in evidence as a true copy; and
- (b) an entry in any copy of a Scottish Statutory Instruments Issue List that has been received in evidence as a true copy is to be treated as conclusive evidence of the date on which a copy of the instrument to which the entry refers was first published by the Queen's Printer.

(2) In paragraph (1) references to a copy of a Scottish Statutory Instruments Issue List includes any copy printed (in whole or in part) in an annual edition.

## **Draft instruments: publishing and printing**

**11.**—(1) The responsible authority must ensure that the Queen's Printer receives a copy of each draft instrument as soon as practicable after the draft instrument is laid before the Scottish Parliament.

(2) As soon as practicable after receiving a copy of a draft instrument in accordance with paragraph (1), the Queen's Printer must—

- (a) publish on the Queen's Printer's website—
  - (i) a copy of the draft instrument; and
  - (ii) any document related to the draft instrument that the responsible authority requests the Queen's Printer to publish; and
- (b) print a copy of the draft instrument and deliver it (at the Queen's Printer's own expense)—
  - (i) to any address specified for the purpose of section 1(1) of the Legal Deposit Libraries Act 2003 by the authorities controlling the National Library of Scotland; or
  - (ii) to the National Library of Scotland, if the authorities controlling that library have not specified an address.

## **Printing and selling**

**12.**—(1) The Queen's Printer may print and sell copies of any of the documents to which this regulation applies.

(2) On receipt of a request from any person ("the requester") for a printed copy of a document to which this regulation applies, the Queen's Printer must print a copy of the document and send it to the address specified by the requester.

(3) The Queen's Printer may charge the requester for printing and sending a copy of the document.

(4) The Queen's Printer need not print and send a copy of the document to the requester until any charge payable by virtue of paragraph (3) has been paid.

(5) The documents to which this regulation applies are—

- (a) annual editions;
- (b) draft instruments;
- (c) instruments; and

(d) Scottish Statutory Instruments Issue Lists.

St Andrew's House,  
Edinburgh

Authorised to sign by the Scottish Ministers

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for and in connection with the publication, numbering and citation of Scottish statutory instruments (“instruments”).

Section 41(1) of the Interpretation and Legislative Reform (Scotland) Act 2010 (“the 2010 Act”) provides that the “responsible authority” for an instrument (as defined by section 31(6) of that Act) must ensure that the Queen’s Printer for Scotland (“the Queen’s Printer”) receives a copy of it as soon as practicable after the instrument is made. On receipt of an instrument, the Queen’s Printer is required to—

- (a) assign a number to it under regulation 3;
- (b) publish it online, along with any related document the responsible authority requests, under regulation 6; and
- (c) except in the case of instruments that need not be laid before the Scottish Parliament, to send a printed copy of the instrument to the National Library of Scotland under regulation 7.

Regulation 4 provides that an instrument may be cited by its title or by the number assigned to it by the Queen’s Printer under regulation 3.

Regulation 5 makes provision as to the form of any instrument that the Queen’s Printer publishes.

Regulation 8 requires the Queen’s Printer to prepare periodic lists of the instruments published online under regulation 6. It provides for any list so prepared to be known as a Scottish Statutory Instruments Issue List.

Regulation 9 requires the Queen’s Printer to prepare a document for each calendar year containing a copy of every instrument numbered under regulation 3 as part of the series for the year to which the document relates, a copy of every Scottish Statutory Instruments Issue List published in respect of that year, tables showing the effect on other enactments and statutory rules of the instruments included in those lists and an index.

Regulation 10 provides that copies of Scottish Statutory Instruments Issue Lists printed by the Queen’s Printer (including copies printed as part of an annual edition) are to be received by the courts in evidence as true copies. It further provides that an entry in a Scottish Statutory Instruments Issue List is to be treated as conclusive evidence of the date on which the instrument to which the entry refers was first published by the Queen’s Printer.

Regulation 11 provides that the responsible authority for an instrument must ensure that the Queen’s Printer receives a copy of any draft of an instrument that is laid before the Scottish Parliament in accordance with the requirements of any enactment. The most common example of an enactment requiring a draft of an instrument to be laid before the Scottish Parliament is where the enactment provides for the devolved subordinate legislation contained in the draft instrument to be subject to the affirmative procedure (as defined by section 29 of the 2010 Act). On receipt of a draft instrument, regulation 11 requires the Queen’s Printer to publish a copy of it online, along with any related document the responsible authority requests, and to send a printed copy of the draft instrument to the National Library of Scotland.

Regulation 12 makes provision in relation to the printing and sale by the Queen’s Printer of annual editions, draft instruments, instruments and Scottish Statutory Instruments Issue Lists. It empowers the Queen’s Printer to print and sell any of those documents. Further, it requires the Queen’s Printer to send a printed copy of any of those documents to any person who requests one on payment of such charge as the Queen’s Printer sets.

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