
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

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

Amendment of the 1964 Act

7. In Schedule 3 (procedure for making harbour revision and empowerment orders)(1)—
- (a) in paragraph 21(1)(b), after “order” insert “or, if the order is subject to the affirmative procedure by virtue of section 54A(4) of this Act, lay before the Scottish Parliament a draft statutory instrument containing it.”;
 - (b) in paragraph 24(1) after “made” insert “, or where (by virtue of section 54A(4) of this Act) the order is subject to the affirmative procedure a draft statutory instrument containing it has been laid before the Scottish Parliament”;
 - (c) in paragraph 24(2)—
 - (i) in head (a), after “made” insert “, or as the case may be that a draft statutory instrument containing it has been laid before the Scottish Parliament”; and
 - (ii) for head (d) substitute—
 - “(d) if that subsection does apply to the order, state that the order cannot be made unless the Scottish Parliament, by resolution, approves the draft statutory instrument containing it.”;
 - (d) in paragraph 24(3)—
 - (i) from the beginning to “order” where it first occurs substitute “Where a harbour revision order is subject to the affirmative procedure by virtue of section 54A(4) of this Act, as soon as possible after the order has been made or the Scottish Parliament has decided not to approve the draft statutory instrument containing it”;
 - (ii) for head (a) substitute—
 - “(a) stating that the order has been made, or as the case may be that the Scottish Parliament has decided not to approve the draft statutory instrument containing it, and”; and
 - (iii) in head (b), for “a resolution has been passed” substitute “the order has been made”;
 - (e) in paragraph 30(b), after “order” insert “or, if the order is subject to the affirmative procedure, lay before the Scottish Parliament a draft statutory instrument containing it.”; and
 - (f) in paragraph 31—
 - (i) after sub-paragraph (2) insert—
 - “(2A) Sub-paragraphs (2B) and (3) apply in relation to a harbour revision order where—

(1) Schedule 3 was substituted by [S.I. 1999/3445](#) and has been amended by section 25 of, and schedule 3 to, the Transport and Works (Scotland) Act 2007.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Interpretation and Legislative Reform (Scotland) Act 2010 (Consequential, Savings and Transitional Provisions) Order 2011 No. 396*

- (a) the Scottish Ministers have proposed to make the order of their own motion, and
- (b) the order is subject to the affirmative procedure by virtue of section 54A(4) of this Act.

(2B) The reference in sub-paragraph (1) to the order having been made by the Secretary of State of his own motion is to be read as a reference to a draft statutory instrument containing the order having been laid before the Scottish Parliament.”; and

- (ii) in sub-paragraph (3), for the words from “Scottish”, where it first occurs, to “those” substitute “order is made or the Scottish Parliament has decided not to approve a draft statutory instrument containing the order, the Scottish”.