



# Scotland Act 2012

## 2012 CHAPTER 11

### PART 1

#### THE PARLIAMENT AND ITS POWERS

##### *The Scottish Parliament*

### 3 Supplementary and transitional provision about elections

- (1) In section 113 of the 1998 Act (subordinate legislation: scope of powers) after subsection (1) insert—

“(1A) Subsections (2) to (11), except subsection (9), apply also to the power of the Scottish Ministers to make an order under section 12.”

- (2) Schedule 7 to the 1998 Act (procedure for subordinate legislation) is amended as follows.

- (3) In paragraph 1—

- (a) in the entry for section 12(1) for “Type C” substitute “Type L”;
- (b) after that entry insert—

“Section 12A | Type C”.

- (4) In paragraph 2 at the end insert—

“**Type L:** The legislation shall be subject to the affirmative procedure.”

- (5) In section 7 of the Political Parties, Elections and Referendums Act 2000 (Electoral Commission to be consulted on changes to electoral law), in subsection (2)(g) after “12(1) or (6)” insert “or regulations under section 12A(1)”.

- (6) In section 8 of that Act (powers with respect to elections exercisable only on Commission recommendation) in subsection (2) for “the Secretary of State” substitute “the person on whom the function is conferred”.

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*Status: This is the original version (as it was originally enacted).*

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- (7) An order made before the commencement of section 1 under section 12(1) of the 1998 Act has effect after that commencement as if made by the Scottish Ministers, to the extent that they would have power to do so.
- (8) To the extent that subsection (7) does not apply, any provision of such an order—
  - (a) continues to have effect, but
  - (b) may be revoked by regulations under section 12A(1).
- (9) A reference to the Secretary of State in such an order is to be read as a reference to the Scottish Ministers.
- (10) Without prejudice to subsections (7) to (9), section 1 does not affect the validity of anything done by or in relation to a Minister of the Crown before that section comes into force.
- (11) Anything (including legal proceedings) which, at the time when that section comes into force, is in the process of being done by or in relation to a Minister of the Crown under an order under section 12(1) may be continued by or in relation to the Scottish Ministers.
- (12) Anything done by or in relation to a Minister of the Crown for the purposes of or in connection with a function under such an order, if in force at the time when section 1 comes into force, has effect as if done by or in relation to the Scottish Ministers in so far as that is required for continuing its effect after that time.