



Scotland Act 2016

2016 CHAPTER 11

PART 7

GENERAL

68 Subordinate legislation under functions exercisable within devolved competence

- (1) Schedule 2 to the Interpretation and Legislative Reform (Scotland) Act 2010 (“the 2010 Act”) (Scottish statutory instruments: transitional and consequential provision) has effect in relation to any function so far as exercisable within devolved competence by virtue of a provision of section 3, 22, 23, 24, 25, 26, 27, 31 or 50, as if references to a “pre-commencement enactment” were to—
 - (a) an Act passed before or in the same session as the relevant date,
 - (b) any other enactment passed or made before the relevant date.
- (2) Schedule 3 to the 2010 Act (modification of pre-commencement enactments) has effect in relation to devolved subordinate legislation, where the function of making it is exercisable within devolved competence by virtue of a provision of section 3, 22, 23, 24, 25, 26, 27, 31 or 50, as if references to a “pre-commencement enactment” were to—
 - (a) an Act passed before or in the same session as the relevant date,
 - (b) any other enactment passed or made before the relevant date.
- (3) In this section—
 - (a) “devolved subordinate legislation” and “enactment” have the same meaning as in Part 2 of the 2010 Act;
 - (b) references to the exercise of a function being within devolved competence are to be read in accordance with section 54 of the Scotland Act 1998;
 - (c) in relation to a provision of section 3, 22, 23, 24, 25, 26, 27, 31 or 50, the relevant date for any purpose is the date on which the provision comes into force for that purpose.

Changes to legislation:

Scotland Act 2016, Section 68 is up to date with all changes known to be in force on or before 16 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/455, reg. 3 by [S.I. 2019/1438 reg. 2](#)