

*Status: Point in time view as at 23/01/2020.*

*Changes to legislation: European Union (Withdrawal) Act 2018, Paragraph 29 is up to date with all changes known to be in force on or before 16 June 2024. 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. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 7

#### REGULATIONS

#### PART 3

##### GENERAL PROVISION ABOUT POWERS UNDER ACT

*Explanatory statements for certain powers: appropriateness, equalities etc.*

- 29 (1) This paragraph applies where—
- (a) a Scottish statutory instrument containing regulations under Part 1<sup>F1</sup>... of Schedule 2, or
  - (b) a draft of such an instrument,
- is to be laid before the Scottish Parliament.
- (2) Before the instrument or draft is laid, the Scottish Ministers must make a statement to the effect that in the Scottish Ministers' opinion the instrument or draft does no more than is appropriate.
- (3) Before the instrument or draft is laid, the Scottish Ministers must make a statement as to why, in the Scottish Ministers' opinion—
- (a) there are good reasons for the instrument or draft, and
  - (b) the provision made by the instrument or draft is a reasonable course of action.
- (4) Before the instrument or draft is laid, the Scottish Ministers must make a statement—
- (a) as to whether the instrument or draft amends, repeals or revokes any provision of equalities legislation, and
  - (b) if it does, explaining the effect of each such amendment, repeal or revocation.
- (5) Before the instrument or draft is laid, the Scottish Ministers must make a statement to the effect that, in relation to the instrument or draft, the Scottish Ministers have, so far as required to do so by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.
- (6) Before the instrument or draft is laid, the Scottish Ministers must make a statement otherwise explaining—
- (a) the instrument or draft,
  - (b) its purpose,
  - (c) the law before exit day which is relevant to it, and
  - (d) its effect (if any) on retained EU law.
- (7) Where an instrument or draft creates a criminal offence, the statement required by sub-paragraph (3) must (among other things) include an explanation of why, in the

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Scottish Ministers' opinion, there are good reasons for creating the offence and for the penalty provided in respect of it.

- (8) If the Scottish Ministers fail to make a statement required by sub-paragraph (2), (3), (4), (5) or (6) before the instrument or draft is laid, the Scottish Ministers must make a statement explaining why they have failed to do so.
- (9) A statement under sub-paragraph (2), (3), (4), (5), (6) or (8) must be made in writing and be published in such manner as the Scottish Ministers consider appropriate.
- (10) In this paragraph “equalities legislation” means the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts.

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#### **Textual Amendments**

- F1** Words in [Sch. 7 para. 29\(1\)\(a\)](#) omitted (23.1.2020) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(6)(e)(x), [Sch. 5 para. 53\(8\)\(a\)](#) (with s. 38(3), [Sch. 5 para. 66](#))

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