# **EXPLANATORY NOTES**

# UK WITHDRAWAL FROM THE EUROPEAN UNION (CONTINUITY) (SCOTLAND) ACT 2021

### **INTRODUCTION**

#### **OVERVIEW AND BACKGROUND**

# **Background**

The different forms of EU law and the ECA

**Retained EU law** 

**EU Law and the Scotland Act 1998** 

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- Section 1- Power to make provision corresponding to EU law
- Section 2 Purpose of maintaining and advancing standards
- Section 3 Limitations on the section 1(1) power
- Section 4 Duration of the section 1(1) power
- Section 5 Scrutiny of regulations under section 1(1)
- Section 6 Policy statement on the section 1(1) power
- Section 7 Procedure for publication of policy statement
- Sections 8 to 11 Explanatory statements for, and reporting on, regulations under section 1(1)

Section 12 – Interpretation of Part 1

## **PART 2 – ENVIRONMENT**

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- Section 14 Ministers' duties to have due regard to the guiding principles
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# These notes relate to the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4)

- Section 16 Purpose of duties under sections 14 and 15
- Section 17 Guidance
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#### **Functions of Environmental Standards Scotland**

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- Section 22 Duty to prepare and publish strategy on exercise of functions
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Section 41 - Duty to consult on effectiveness of governance arrangements

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Section 44 - Meaning of "environmental law" and "effectiveness of environmental law"

Section 45 - Meaning of "environmental protection", "environmental harm" and "the environment"

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**Members** 

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**Initial members: transitional provision** 

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