



Scotland Act 2016

2016 CHAPTER 11

PART 7

GENERAL

71 Power to make consequential, transitional and saving provision

- (1) The Secretary of State may by regulations make—
 - (a) such consequential provision in connection with any provision of Part 1, 3, 4, 5 or 6, or
 - (b) such transitional or saving provision in connection with the coming into force of any provision of Part 1, 3, 4, 5 or 6,as the Secretary of State considers appropriate.
- (2) Regulations under this section may amend, repeal, revoke or otherwise modify any of the following—
 - (a) an enactment or an instrument made under an enactment;
 - (b) a prerogative instrument;
 - (c) any other instrument or document.
- (3) For the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, subsection (2) applies to an enactment, instrument or document whenever passed or made.
- (4) Otherwise, subsection (2) applies to—
 - (a) an Act of Parliament passed before or in the same session as this Act;
 - (b) an Act of the Scottish Parliament passed, or an instrument or document made, before the end of the session in which this Act is passed.
- (5) Regulations under this section may make—
 - (a) different provision for different purposes or cases;
 - (b) provision generally or for specific cases;
 - (c) provision subject to exceptions;

Changes to legislation: Scotland Act 2016, Section 71 is up to date with all changes known to be in force on or before 09 May 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) View outstanding changes

- (d) provision for the delegation of functions;
 - (e) transitional or saving provision.
- (6) Regulations under this section must be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section which includes provision amending or repealing any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (8) Any other statutory instrument containing regulations under this section, if made without a draft having been approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- “enactment”—
 - (a) includes an Act of the Scottish Parliament, and
 - (b) for the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, also includes a Measure or Act of the National Assembly for Wales and Northern Ireland legislation;
 - “prerogative instrument” means an Order in Council, warrant, charter or other instrument made under the prerogative;
 - “primary legislation” means—
 - (a) an Act of Parliament,
 - (b) an Act of the Scottish Parliament,
 - (c) a Measure or Act of the National Assembly for Wales, and
 - (d) Northern Ireland legislation.
- (10) In Schedule 4 to the Scotland Act 1998 (enactments etc protected from modification), in paragraph 14, after “section 105” insert “ or under section 71 of the Scotland Act 2016 ”.

Changes to legislation:

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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](#)