



# Corporate Insolvency and Governance Act 2020

## 2020 CHAPTER 12

### *Implementation of insolvency measures*

#### **45 Modified procedure for regulations of the Scottish Ministers**

- (1) During the period of six months beginning with the day on which this section comes into force, any relevant provision that may be made by the Scottish Ministers by regulations that are subject to the affirmative procedure (see section 29 of the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#))) may be made by regulations that are subject to the made affirmative procedure.
- (2) In subsection (1) “relevant provision” means—
  - (a) provision under section [A50\(3\)](#) of the Insolvency Act 1986 (power to modify moratorium provisions in relation to certain companies);
  - (b) provision under paragraph [22](#) of Schedule ZA1 to the Insolvency Act 1986 (exclusion of registered social landlords from eligibility under Part A1 of that Act).
- (3) For the purposes of this section “regulations that are subject to the made affirmative procedure” means regulations that—
  - (a) must be laid before the Scottish Parliament as soon as reasonably practicable after being made, and
  - (b) cease to have effect at the end of the period of 40 days beginning with the day on which the regulations are made, unless during that period the regulations are approved by a resolution of the Scottish Parliament.
- (4) In calculating the period of 40 days mentioned in subsection (3)(b), no account is to be taken of any time during which the Scottish Parliament is—
  - (a) dissolved, or
  - (b) in recess for more than 4 days.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where by virtue of this section the Scottish Ministers make regulations that are subject to the made affirmative procedure and the regulations cease to have effect because they are not approved within the period mentioned in subsection (3)(b), the fact that the regulations cease to have effect does not—
- (a) affect anything previously done under or by virtue of the regulations, or
  - (b) prevent the making of new regulations.
- (6) Section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply in relation to regulations that are subject to the made affirmative procedure by virtue of this section.