



# UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021

2021 asp 4

## PART 1

### ALIGNMENT WITH EU LAW

#### **9 Explanatory statements: good reasons, human rights etc.**

- (1) The statements referred to in section 8(2) are as follows.
- (2) A statement explaining—
  - (a) the instrument or draft,
  - (b) why, in the Scottish Ministers' opinion, there are good reasons for making the provision contained in the instrument or draft,
  - (c) the law before IP completion day which is relevant to the provision, and
  - (d) the effect (if any) of the provision on [<sup>F1</sup>assimilated] law.
- (3) A statement explaining the effect (if any) of the instrument or draft on—
  - (a) the Convention rights within the meaning of section 1 of the Human Rights Act 1998, and
  - (b) other human rights contained in any international convention, treaty or other international instrument ratified by the United Kingdom.
- (4) A statement—
  - (a) as to whether the instrument or draft amends, repeals or revokes any provision of equality legislation, and
  - (b) if it does, explaining the effect of each such amendment, repeal or revocation.
- (5) 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 equality 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) A statement explaining the effect (if any) of the instrument or draft on—
  - (a) rights and duties relating to employment and health and safety,

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*Changes to legislation: There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 9. (See end of Document for details)*

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- (b) matters relating to consumer protection,  
so far as it is within devolved competence (within the meaning of section 54 of the Scotland Act 1998) for the instrument or draft to have any such effect.
- (7) A statement—
- (a) as to whether, in relation to the instrument or draft, the Scottish Ministers have consulted—
- (i) such persons appearing to them to be representative of the interests of local authorities,
- (ii) any other person, and
- (b) if they have, setting out details of the consultation that they carried out.
- (8) Except where the regulations are subject to the negative procedure, a statement setting out the likely financial implications of the provision contained in the draft.
- (9) If the instrument or draft—
- (a) is laid before a policy statement is published under section 6(1),
- (b) is laid during the period beginning with the day on which a copy of a revised policy statement is laid before the Scottish Parliament under section 7(1) and ending with the day on which the revised policy statement is published under section 6(2) or (3)(b)(i), or
- (c) contains provision that involves using the power under section 1(1) in a way that is not in accordance with the policy statement published under section 6, a statement explaining why, in the Scottish Ministers' opinion, there are good reasons for laying the instrument or draft at that time or, as the case may be, for using the power in that way.
- (10) In this section, “equality 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** Word in s. 9(2)(d) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendments\) \(Scotland\) Regulations 2023 \(S.S.I. 2023/374\)](#), reg. 1(1), [sch. 1 para. 11\(3\)](#)

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**Commencement Information**

- II** [S. 9](#) in force at 29.3.2021 by [S.S.I. 2021/141](#), reg. 2, [sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Section 9.