



Coronavirus (Discretionary Compensation for Self-isolation) (Scotland) Act 2022

2022 asp 2

4 Procedure for regulations under [section 3](#)

- (1) Regulations under [section 3\(1\)](#) are subject to the negative procedure.
- (2) Regulations under [section 3\(2\)](#) are subject to the affirmative procedure.
- (3) Before making regulations under [section 3\(1\)](#), or laying a draft Scottish statutory instrument containing regulations under [section 3\(2\)](#) before the Scottish Parliament in accordance with [section 29\(2\)](#) of the Interpretation and Legislative Reform (Scotland) Act 2010, the Scottish Ministers must consult—
 - (a) each health board constituted under [section 2\(1\)\(a\)](#) of the National Health Service (Scotland) Act 1978, and
 - (b) such other persons as the Scottish Ministers consider appropriate.
- (4) At the same time as laying a draft Scottish statutory instrument containing regulations under [section 3\(2\)](#) before the Scottish Parliament in accordance with [section 29\(2\)](#) of the Interpretation and Legislative Reform (Scotland) Act 2010, the Scottish Ministers must lay before the Parliament a statement of their reasons why the regulations should be made.
- (5) If the Scottish Ministers consider that regulations under [section 3\(2\)](#) need to be made urgently—
 - (a) subsections [\(2\)](#), [\(3\)](#) and [\(4\)](#) do not apply, and
 - (b) the regulations (the “emergency regulations”)—
 - (i) must be laid before the Scottish Parliament, and
 - (ii) cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.
- (6) If emergency regulations are made, the Scottish Ministers must, at the same time as laying the regulations before the Parliament, lay before the Parliament a statement of their reasons for making the regulations and for making them urgently without their being subject to the affirmative procedure.

- (7) In calculating any period of 28 days for the purposes of [subsection \(5\)\(b\)\(ii\)](#), no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved, or
 - (b) in recess for more than 4 days.
- (8) Where emergency regulations cease to have effect under [subsection \(5\)\(b\)\(ii\)](#), that does not—
- (a) affect anything previously done by reference to the regulations,
 - (b) prevent new emergency regulations being made to the same or similar effect.