

SCHEDULE
TEMPORARY JUSTICE MEASURES

PART 7

PRISONS AND YOUNG OFFENDERS INSTITUTIONS

Parliamentary scrutiny of regulations under paragraph 25

- 26 (1) Regulations under [paragraph 25](#) are subject to the affirmative procedure, unless [sub-paragraph \(2\)](#) applies to them.
- (2) [This sub-paragraph](#) applies to regulations if the Scottish statutory instrument containing the regulations includes a declaration that the Scottish Ministers are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.
- (3) Where [sub-paragraph \(2\)](#) applies to regulations—
- (a) section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010 does not apply to the regulations,
 - (b) the Scottish statutory instrument containing the regulations must be laid before the Scottish Parliament as soon as practicable after they are made, and
 - (c) the regulations cease to have effect at the end of the period of 28 days beginning with the day on which they are made unless, during that period, the Scottish statutory instrument containing them is approved by resolution of the Parliament.
- (4) In calculating the period of 28 days mentioned in [sub-paragraph \(3\)\(c\)](#), no account is to be taken of any time during which the Scottish Parliament is—
- (a) in recess for more than 4 days, or
 - (b) dissolved.
- (5) Regulations ceasing to have effect by virtue of [sub-paragraph \(3\)\(c\)](#) neither—
- (a) affects anything done under the regulations before they ceased to have effect, nor
 - (b) prevents new regulations being made under [paragraph 25](#).
- (6) Where [sub-paragraph \(2\)](#) applies to regulations, the Scottish Ministers must explain why they are of the opinion that, by reason of urgency, it is necessary to make the regulations without their being subject to the affirmative procedure.