
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for and in connection with the publication, numbering and citation of Scottish statutory instruments (“instruments”).

Section 41(1) of the Interpretation and Legislative Reform (Scotland) Act 2010 (“the 2010 Act”) provides that the “responsible authority” for an instrument (as defined by section 31(6) of that Act) must ensure that the Queen’s Printer for Scotland (“the Queen’s Printer”) receives a copy of it as soon as practicable after the instrument is made. On receipt of an instrument, the Queen’s Printer is required to—

- (a) assign a number to it under regulation 3;
- (b) publish it online, along with any related document the responsible authority requests, under regulation 6; and
- (c) except in the case of instruments that need not be laid before the Scottish Parliament, to send a printed copy of the instrument to the National Library of Scotland under regulation 7.

Regulation 4 provides that an instrument may be cited by its title or by the number assigned to it by the Queen’s Printer under regulation 3.

Regulation 5 makes provision as to the form of any instrument that the Queen’s Printer publishes.

Regulation 8 requires the Queen’s Printer to prepare periodic lists of the instruments published online under regulation 6. It provides for any list so prepared to be known as a Scottish Statutory Instruments Issue List.

Regulation 9 requires the Queen’s Printer to prepare a document for each calendar year containing a copy of every instrument numbered under regulation 3 as part of the series for the year to which the document relates, a copy of every Scottish Statutory Instruments Issue List published in respect of that year, tables showing the effect on other enactments and statutory rules of the instruments included in those lists and an index.

Regulation 10 provides that copies of Scottish Statutory Instruments Issue Lists printed by the Queen’s Printer (including copies printed as part of an annual edition) are to be received by the courts in evidence as true copies. It further provides that an entry in a Scottish Statutory Instruments Issue List is to be treated as conclusive evidence of the date on which the instrument to which the entry refers was first published by the Queen’s Printer.

Regulation 11 provides that the responsible authority for an instrument must ensure that the Queen’s Printer receives a copy of any draft of an instrument that is laid before the Scottish Parliament in accordance with the requirements of any enactment. The most common example of an enactment requiring a draft of an instrument to be laid before the Scottish Parliament is where the enactment provides for the devolved subordinate legislation contained in the draft instrument to be subject to the affirmative procedure (as defined by section 29 of the 2010 Act). On receipt of a draft instrument, regulation 11 requires the Queen’s Printer to publish a copy of it online, along with any related document the responsible authority requests, and to send a printed copy of the draft instrument to the National Library of Scotland.

Regulation 12 makes provision in relation to the printing and sale by the Queen’s Printer of annual editions, draft instruments, instruments and Scottish Statutory Instruments Issue Lists. It empowers the Queen’s Printer to print and sell any of those documents. Further, it requires the Queen’s Printer

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to send a printed copy of any of those documents to any person who requests one on payment of such charge as the Queen's Printer sets.