

Status: Point in time view as at 26/06/2018.

Changes to legislation: There are currently no known outstanding effects for the Scotland Act 1998, Cross Heading: Special cases. (See end of Document for details)

SCHEDULES

SCHEDULE 7

PROCEDURE FOR SUBORDINATE LEGISLATION

Special cases

- 3 (1) This paragraph applies if—
- (a) the instrument containing the legislation would, apart from this paragraph, be subject to the type F, G, H, I or K procedure, and
 - (b) the legislation contains provisions which add to, replace or omit any part of the text of an Act.
- (2) Where this paragraph applies—
- (a) instead of the type F procedure, the type A procedure shall apply,
 - (b) instead of the type G procedure, the type B or (as the case may be) C procedure shall apply,
 - (c) instead of the type H procedure, the type A procedure shall apply,
 - (d) instead of the type I procedure, the type B or (as the case may be) C procedure shall apply,
 - (e) instead of the type K procedure, the type E procedure shall apply.
- [^{F1}3A If legislation under section 90B amends a scheme under that section and does not contain provision—
- (a) made by virtue of subsection (12) or (19) of that section, or
 - (b) adding to, replacing or omitting any part of the text of an Act, then, instead of the type C procedure, the type I procedure shall apply.]

Textual Amendments

F1 Sch. 7 para. 3A inserted (23.3.2016) by [Scotland Act 2016 \(c. 11\)](#), **ss. 36(6), 72(1)(b)**

- 4 If legislation under section 129(1) makes provision as mentioned in section 112(2) then, instead of the type G procedure, the type D procedure shall apply.
- 5 (1) An instrument containing an Order in Council or order under an open power which revokes, amends or re-enacts subordinate legislation under an open power may (in spite of section 14 of the ^{M1}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original legislation was subject.
- (2) An instrument containing an Order in Council under section 89 or 90 which revokes, amends or re-enacts an Order under either section may (in spite of section 14 of the ^{M2}Interpretation Act 1978) be subject to a different procedure under this Schedule from the procedure to which the instrument containing the original Order was subject.

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Marginal Citations

M1 1978 c. 30.

M2 1978 c. 30.

- [^{F2}6 (1) This paragraph applies where a draft of an instrument containing regulations under section 30A or 57(4) is to be laid before each House of Parliament.
- (2) Before the draft is laid, the Minister of the Crown who is to make the instrument—
- (a) must make a statement explaining the effect of the instrument, and
 - (b) in any case where the Parliament has not made a decision to agree a motion consenting to the laying of the draft—
 - (i) must make a statement explaining why the Minister has decided to lay the draft despite this, and
 - (ii) must lay before each House of Parliament any statement provided for the purpose of this sub-paragraph to a Minister of the Crown by the Scottish Ministers giving the opinion of the Scottish Ministers as to why the Parliament has not made that decision.
- (3) A statement of a Minister of the Crown under sub-paragraph (2) must be made in writing and be published in such manner as the Minister making it considers appropriate.
- (4) For the purposes of this paragraph, where a draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.
- (5) This paragraph does not apply to a draft of an instrument which only contains regulations under section 30A or 57(4) which only relate to a revocation of a specification.]

Textual Amendments

F2 Sch. 7 para. 6 inserted (26.6.2018 for specified purposes) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(3)(f), [Sch. 3 para. 25](#) (with s. 19, Sch. 8 para. 37)

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