

## SCHEDULES

### SCHEDULE 8

#### POWERS TO MAKE FURTHER PROVISION: DEVOLVED AUTHORITIES

##### PART 1

##### SCOTTISH MINISTERS

###### *Procedural requirements*

- 5 (1) Before making regulations under paragraph 1 or 3 the Scottish Ministers must consult—
- (a) the Secretary of State,
  - (b) the Welsh Ministers,
  - (c) the Northern Ireland department, and
  - (d) such other persons likely to be affected by the regulations as the Scottish Ministers consider appropriate.
- (2) Regulations under paragraph 1 or 3 are subject to the affirmative resolution procedure if they contain provision—
- (a) amending or repealing primary legislation;
  - (b) imposing fees;
  - (c) creating a criminal offence or increasing the penalty for, or widening the scope of, a criminal offence; or
  - (d) conferring functions on, modifying functions of, or otherwise relating to the regulation of—
    - (i) a producer organisation in the United Kingdom, or
    - (ii) an inter-branch organisation in the United Kingdom.
- (3) Subject to sub-paragraph (2) regulations under paragraph 1 or 3 are subject to the negative resolution procedure.