

# CONVENTION RIGHTS (COMPLIANCE) (SCOTLAND) ACT 2001

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## EXPLANATORY NOTES

### THE ACT

#### Part 6

#### Power to Make Remedial Orders

#### Procedure for remedial orders: general

92. [Section 13](#) outlines the general procedure which the Scottish Ministers must follow in making a remedial order. Section 13(1) confirms that the order is made by statutory instrument.
93. [Section 13\(2\)](#) provides that the remedial order cannot be made until it has been laid in draft before, and approved by resolution of, the Scottish Parliament (affirmative resolution procedure).
94. [Section 13\(3\)](#) provides that, before the order is laid in draft for this purpose, the Scottish Ministers must give the Scottish Parliament and the public the opportunity to comment on a copy of the proposed draft order by:
  - Laying a copy of the proposed draft order and a statement of their reasons for making the order before the Parliament;
  - Giving appropriate public notice of the proposed order, inviting comments in writing. Such comments are to be made within a period of 60 days beginning with the earlier of the day the notice was given or the day the proposed order was laid (this may be, but need not be, the same day);
  - Having regard to any comments made within that period.
95. [Section 13\(4\)](#) provides that when laying the draft remedial order for approval, the Scottish Ministers must also lay a statement which summarises the comments made during the 60 day period outlined in section 13(3)(b) and which specifies any changes made to the draft order and the reasons for those changes.