



Convention Rights (Compliance) (Scotland) Act 2001

2001 asp 7

PART 6

POWER TO MAKE REMEDIAL ORDERS

14 Procedure for remedial orders: urgent cases

- (1) Where it appears to the Scottish Ministers that, for reasons of urgency, it is necessary to make a remedial order without following the procedure under section 13(2) to (4) above, they may do so.
- (2) After so making a remedial order, the Scottish Ministers shall forthwith—
 - (a) give such public notice of the contents of the order as they consider appropriate and invite persons wishing to make observations on the order to do so, in writing, within the period of 60 days beginning with the day on which it was made;
 - (b) lay the order, together with a statement of their reasons for having made it, before the Scottish Parliament.
- (3) The Scottish Ministers shall have regard to any written observations submitted within the period mentioned in subsection (2)(a) above.
- (4) As soon as practicable after the end of that period, the Scottish Ministers shall lay before the Scottish Parliament a statement—
 - (a) summarising all the observations to which they had to have regard under subsection (3) above; and
 - (b) specifying the modifications (if any) which they consider it appropriate to make to the remedial order.
- (5) If modifications have been specified under subsection (4)(b) above, the Scottish Ministers shall—
 - (a) make a remedial order by virtue of this subsection giving effect to those modifications and replacing the remedial order made under subsection (1) above; and

Changes to legislation: There are currently no known outstanding effects for the Convention Rights (Compliance) (Scotland) Act 2001, Section 14. (See end of Document for details)

- (b) lay the remedial order made by virtue of this subsection before the Scottish Parliament,
- or (where the modification specified consists only of the proposed revocation of the remedial order), by order, simply revoke the remedial order made under subsection (1) above.
- (6) If, at the end of the period of 120 days beginning with the day on which a remedial order was made under subsection (1) above, the Scottish Parliament has not, by resolution, approved the order or any remedial order made by virtue of subsection (5) above replacing it, then the remedial order or, as the case may be the replacement remedial order ceases to have effect (but without that affecting anything done under that order or the power to make a fresh remedial order, whether under the procedure set out in section 13 above or this section).
- (7) Subsection (6) above has no effect where the Scottish Ministers have, before the end of the period referred to in that subsection, simply revoked the remedial order made under subsection (1) above.
- (8) An order made under subsection (5) above simply revoking a remedial order made under subsection (1) above shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (9) In reckoning, for the purposes of subsections (2)(a), (6) and (7) above, any period of 60 or 120 days, no account shall be taken of any time during which the Scottish Parliament is dissolved or is in recess for more than four days.

Changes to legislation:

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