



Interpretation and Legislative Reform (Scotland) Act 2010

2010 asp 10

PART 2

SCOTTISH STATUTORY INSTRUMENTS

Parliamentary scrutiny

31 Failure to lay instruments in accordance with section 28(2) or 30(2)

- (1) This section applies where section 28 or 30 applies in relation to devolved subordinate legislation.
- (2) Failure to lay the Scottish statutory instrument containing the legislation in accordance with the laying requirements does not affect the validity of the instrument.
- (3) Where the instrument is laid before the Scottish Parliament, but not in accordance with the laying requirements, the responsible authority must explain to the Presiding Officer why the laying requirements have not been complied with.
- (4) The explanation is to be given in writing as soon as practicable after the instrument is laid before the Parliament.
- (5) In this section, “the laying requirements” are—
 - (a) in the case where section 28 applies, the requirements of subsection (2) of that section,
 - (b) in the case where section 30 applies, the requirements of subsection (2) of that section.
- (6) In subsection (3), “responsible authority”, in relation to a Scottish statutory instrument, means—
 - (a) the Scottish Ministers in a case where the instrument is—
 - (i) made, confirmed or approved by the Scottish Ministers, the First Minister or the Lord Advocate,
 - (ii) an Order in Council, or

Changes to legislation: There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Section 31. (See end of Document for details)

- (iii) an Order of Council, and
- (b) in any other case, the person who made, confirmed or approved the instrument.

Modifications etc. (not altering text)

- C1** S. 31 applied (with modifications) by 2002 c. 17, s. 38(3C) (as inserted (27.3.2012 for specified purposes, 16.3.2015 in so far as not already in force) by [Health and Social Care Act 2012](#) (c. 7), [ss. 224\(3\)](#), [306\(1\)\(d\)\(4\)](#); S.I. 2015/409, art. 2)
- C2** S. 31 applied (with modifications) (27.3.2012) by [Health and Social Care Act 2012](#) (c. 7), [ss. 304\(7\)](#), [306\(1\)\(c\)](#)
- C3** S. 31 applied (with modifications) (12.4.2016) by [The Pharmacy \(Premises Standards, Information Obligations, etc.\) Order 2016](#) (S.I. 2016/372), arts. 1(2), [4\(5\)\(b\)](#)
- C4** S. 31 applied (with modifications) (26.6.2018) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(1)(e), [Sch. 7 para. 2\(8\)](#) (with s. 19, [Sch. 8 para. 37](#))
- C5** S. 31 applied (with modifications) (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(6)(e), [Sch. 5 para. 7\(8\)](#)
- C6** S. 31 applied (with modifications) (31.12.2020) by [European Union \(Future Relationship\) Act 2020](#) (c. 29), s. 40(6)(e), [Sch. 5 para. 13\(8\)](#)
- C7** S. 31 applied (with modifications) (6.5.2021) by [Trade Act 2021](#) (c. 10), [Sch. 2 para. 3\(5\)](#); S.I. 2021/550, reg. 2(g)
- C8** S. 31 applied (with modifications) (23.3.2023) by [Trade \(Australia and New Zealand\) Act 2023](#) (c. 9), s. 4(2), [Sch. 2 para. 3\(5\)](#)
- C9** S. 31 applied (29.6.2023) by [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(e), [Sch. 5 para. 13\(3\)](#)
- C10** S. 31 applied (with modifications) (26.10.2023) by [Levelling-up and Regeneration Act 2023](#) (c. 55), s. 255(10)(a), [Sch. 24 para. 6\(5\)](#) (with s. 247)

Commencement Information

- I1** S. 31 in force at 26.1.2011 for specified purposes by S.S.I. 2011/17, [art. 4\(b\)](#) (with art. 5)
- I2** S. 31 in force at 6.4.2011 in so far as not already in force by S.S.I. 2011/17, [art. 3\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Interpretation and Legislative Reform (Scotland) Act 2010, Section 31.