

SCHEDULE 3

(introduced by section 35)

MODIFICATION OF PRE-COMMENCEMENT ENACTMENTS

Interpretation

- 1 (1) In this schedule, “pre-commencement enactment” means an enactment passed or made before Part 2 comes into force.
- (2) For the purposes of that definition, an Act of the Scottish Parliament is to be taken to have been passed on the date on which the Bill for the Act was passed by the Parliament.

Instruments subject to annulment in pursuance of a resolution of the Parliament

- 2 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation, is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (2) The enactment is to be read as if it instead provided for the legislation to be subject to the negative procedure.

Instruments laid in draft which cannot be made where the Parliament so resolves within 40 days

- 3 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation, may be laid in draft but cannot be made if the Scottish Parliament so resolves within 40 days of the draft being laid.
- (2) The enactment is to be read as if it instead provided for the legislation to be subject to the negative procedure.

Instruments required to be laid for a specified period before coming into force and subject to annulment by the Parliament

- 4 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation—
 - (a) is to be laid before the Scottish Parliament for a specified period before it comes into force, and
 - (b) is subject to annulment in pursuance of a resolution of the Parliament.
- (2) The enactment is to be read as if it instead provided for the legislation to be subject to the negative procedure.

Instruments which cannot be made unless a draft is laid before and approved by resolution of the Parliament

- 5 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the

Status: This is the original version (as it was originally enacted).

legislation cannot be made unless a draft of the Scottish statutory instrument containing it is laid before and approved by resolution of the Scottish Parliament.

- (2) The enactment is to be read as if it instead provided for the legislation to be subject to the affirmative procedure.

Instruments made but which cannot come into force unless laid before, and approved by resolution of, the Parliament

- 6 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation, may be made, but cannot come into force, unless it is laid before and approved by resolution of the Scottish Parliament.
- (2) The enactment is to be read as if it instead provided for the legislation to be subject to the affirmative procedure.

Instruments required to be laid for a specified period before coming into force

- 7 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation, is to be laid before the Scottish Parliament for a specified period before it comes into force.
- (2) The enactment is to be read as if it did not so provide, or have the effect of so providing, in relation to the legislation.
- (3) Sub-paragraph (2) does not affect the operation of section 30 in relation to the legislation.

Instruments not required to be laid before the Parliament

- 8 (1) Sub-paragraph (2) applies where, in relation to devolved subordinate legislation, a pre-commencement enactment provides, or has the effect of providing, that the legislation, or the Scottish statutory instrument containing the legislation, need not be laid before the Scottish Parliament.
- (2) The enactment is to be read as if it did not so provide, or have the effect of so providing, in relation to the legislation.
- (3) Sub-paragraph (2) does not affect the operation of section 30 in relation to the legislation.