

This Order supersedes S.S.I. 2011/4 published on 14th January 2011 and is being issued free of charge to all known recipients of that instrument.

SCOTTISH STATUTORY INSTRUMENTS

2011 No. 17 (C. 3)

CONSTITUTIONAL LAW

**The Interpretation and Legislative Reform (Scotland) Act 2010
(Commencement No. 2 and Transitional Provision) Order 2011**

Made - - - -

19th January 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 56 and 58(3) of the Interpretation and Legislative Reform (Scotland) Act 2010^(a) and all other powers enabling them to do so.

Citation and interpretation

1. This Order may be cited as the Interpretation and Legislative Reform (Scotland) Act 2010 (Commencement No. 2 and Transitional Provision) Order 2011.

2. In this Order “the Act” means the Interpretation and Legislative Reform (Scotland) Act 2010.

Commencement of the Act

3. Subject to article 4, 6th April 2011 is the day appointed for the following provisions of the Act to come into force:—

- (a) Part 2 and the associated schedules 2, 3 and 4 (which make provision about the scrutiny of subordinate legislation by the Scottish Parliament);
- (b) Part 4 (which makes provision about orders subject to special parliamentary procedure);
- (c) Part 5 (which makes provision about the laying of certain documents before the Scottish Parliament); and
- (d) section 55(3) (which revokes articles 1 to 3 and 4(6) of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999^(b)).

4. 26th January 2011 is the day appointed for the following provisions of the Act to come into force for the purposes of subordinate legislation made under the Act only:—

- (a) section 27(1), (2)(a) and (3);
- (b) sections 28 to 32; and
- (c) section 37.

(a) 2010 asp 10.
(b) S.I. 1999/1096.

Transitional provision

5. Any subordinate legislation made under the Act before 6th April 2011, other than this Order, is a Scottish statutory instrument for the purposes of articles 5 to 9 of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999.

Revocation

6. The Interpretation and Legislative Reform (Scotland) Act 2010 (Commencement) Order 2011(a) is revoked.

St Andrew's House,
Edinburgh
19th January 2011

BRUCE CRAWFORD
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2011/4.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings the Interpretation and Legislative Reform (Scotland) Act 2010 (“the Act”) fully into force on 6th April 2011. It also brings certain provisions of the Act into force earlier on 26th January 2011, for the purposes of subordinate legislation made under the Act.

The provisions of the Act brought into force for that limited purpose on 26th January 2011 are—

- (a) section 27 and the associated schedule 2, so that the Act’s definition of “Scottish statutory instrument” will include subordinate legislation made under the Act on or after 26th January 2011;
- (b) sections 28 to 32, so that the parliamentary scrutiny procedures described by those sections will apply to such subordinate legislation; and
- (c) section 37 of the Act, so that that section’s definitions will apply for the purposes of interpreting the other provisions being commenced.

Article 5 of this Order makes transitional provision to ensure that Scottish statutory instruments made under the Act before 6th April 2011 other than the Order itself are treated as Scottish statutory instruments for the purposes of the Scotland Act 1998 (Transitory and Transitional Provisions) (Statutory Instruments) Order 1999. This means they will be subject to numbering printing and publication by the Queen’s Printer for Scotland in accordance with that Order. These provisions already apply to this Order by virtue of section 58(3) of the Act and article 4 of the 1999 Order.

Article 6 of this Order revokes the Interpretation and Legislative Reform (Scotland) Act 2010 (Commencement) Order 2011, which would have commenced the Act’s provisions on the same basis as this Order but did not include the transitional provision made by article 5 of this Order.

The Act received Royal Assent on 3rd June 2010. Part 1, Part 3 and, apart from section 55(3), Part 6 of the Act came into force the following day.

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