



Scotland Act 2012

2012 CHAPTER 11

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

38 Review and power to amend sections 34 to 37

- (1) The Secretary of State must arrange—
 - (a) for a review of the provision made by sections 34 to 37,
 - (b) for a report of the conclusions of the review to be made to the Secretary of State, and
 - (c) for a copy of the report to be given to the Scottish Ministers.
- (2) The review must be carried out as soon as practicable after the end of 3 years beginning with the day on which section 36(6) comes into force, or earlier if the Secretary of State considers it appropriate.
- (3) The review must—
 - (a) consider whether changes should be made to the provision made by sections 34 to 37;
 - (b) consider whether further provision should be made in relation to any matter dealt with by those sections;
 - (c) consider (in particular) whether an appeal to the Supreme Court on a compatibility issue should lie only if the High Court of Justiciary certifies that the issue raises a point of law of general public importance.
- (4) The Secretary of State may by order—
 - (a) amend the provision made by sections 34 to 37;
 - (b) make further provision in relation to any matter dealt with by those sections.
- (5) Provision made by order under subsection (4) may—

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 2012, Section 38. (See end of Document for details)*

- (a) amend, repeal or revoke an enactment passed or made before the order is made;
 - (b) confer power on the Secretary of State or the Scottish Ministers to make an order or regulations;
 - (c) include consequential, transitional or saving provision.
- (6) In this section “enactment” includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978) and an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament.
- (7) In making the first order under subsection (4) the Secretary of State must take into account the report made in accordance with subsection (1)(b).
- (8) No order under subsection (4) may be made unless the Secretary of State has consulted the Scottish Ministers.
- (9) A statutory instrument containing an order under subsection (4) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

Commencement Information

II S. 38 in force at 22.4.2013 by S.I. 2013/6, art. 2(e)

Changes to legislation:

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