



# Scotland Act 2012

## 2012 CHAPTER 11

### PART 1

#### THE PARLIAMENT AND ITS POWERS

##### *Legislative competence*

#### **9 Continued effect of provisions ceasing to be within legislative competence**

(1) In section 30 of the 1998 Act (legislative competence: supplementary) after subsection (4) insert—

“(5) Subsection (6) applies where any alteration is made—

- (a) to the matters which are reserved matters, or
- (b) to Schedule 4,

(whether by virtue of the making, revocation or expiry of an Order in Council under this section or otherwise).

(6) Where the effect of the alteration is that a provision of an Act of the Scottish Parliament ceases to be within the legislative competence of the Parliament, the provision does not for that reason cease to have effect (unless an enactment provides otherwise).”

(2) After section 29(4) of that Act (legislative competence) insert—

“(5) Subsection (1) is subject to section 30(6).”

(3) In section 92 of that Act (Queen’s Printer for Scotland), after subsection (4A) (inserted by section 13) insert—

“(4B) If, following an alteration such as is mentioned in section 30(5)—

- (a) subordinate legislation is made, confirmed or approved under a provision which continues to have effect by virtue of section 30(6), and

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*Status: This is the original version (as it was originally enacted).*

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(b) the making, confirmation or approval would be within devolved competence but for the alteration,  
the subordinate legislation is to be regarded for the purposes of this section as being made, confirmed or approved within devolved competence.”