



# Scotland Act 2016

## 2016 CHAPTER 11

### PART 7

#### GENERAL

#### **71 Power to make consequential, transitional and saving provision**

- (1) The Secretary of State may by regulations make—
  - (a) such consequential provision in connection with any provision of Part 1, 3, 4, 5 or 6, or
  - (b) such transitional or saving provision in connection with the coming into force of any provision of Part 1, 3, 4, 5 or 6,as the Secretary of State considers appropriate.
- (2) Regulations under this section may amend, repeal, revoke or otherwise modify any of the following—
  - (a) an enactment or an instrument made under an enactment;
  - (b) a prerogative instrument;
  - (c) any other instrument or document.
- (3) For the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, subsection (2) applies to an enactment, instrument or document whenever passed or made.
- (4) Otherwise, subsection (2) applies to—
  - (a) an Act of Parliament passed before or in the same session as this Act;
  - (b) an Act of the Scottish Parliament passed, or an instrument or document made, before the end of the session in which this Act is passed.
- (5) Regulations under this section may make—
  - (a) different provision for different purposes or cases;
  - (b) provision generally or for specific cases;
  - (c) provision subject to exceptions;

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*Status: This is the original version (as it was originally enacted).*

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- (d) provision for the delegation of functions;
  - (e) transitional or saving provision.
- (6) Regulations under this section must be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section which includes provision amending or repealing any provision of primary legislation may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (8) Any other statutory instrument containing regulations under this section, if made without a draft having been approved by a resolution of each House of Parliament, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- “enactment”—
    - (a) includes an Act of the Scottish Parliament, and
    - (b) for the purposes of making provision in connection with, or with the coming into force of, a provision of Part 3, also includes a Measure or Act of the National Assembly for Wales and Northern Ireland legislation;
  - “prerogative instrument” means an Order in Council, warrant, charter or other instrument made under the prerogative;
  - “primary legislation” means—
    - (a) an Act of Parliament,
    - (b) an Act of the Scottish Parliament,
    - (c) a Measure or Act of the National Assembly for Wales, and
    - (d) Northern Ireland legislation.
- (10) In Schedule 4 to the Scotland Act 1998 (enactments etc protected from modification), in paragraph 14, after “section 105” insert “or under section 71 of the Scotland Act 2016”.