
STATUTORY INSTRUMENTS

2018 No. 174

The Scotland Act 1998 (Insolvency Functions) Order 2018

Rules and regulations made by the Scottish Ministers

4.—(1) Section 411(4) of the 1986 Act does not apply in relation to rules made by the Scottish Ministers by virtue of article 2(3)(a) or (b).

(2) Rules made by the Scottish Ministers by virtue of article 2(3)(a) or (b) are subject to the negative procedure (see section 28 of the 2010 Act).

(3) Section 411(5) of the 1986 Act does not apply in relation to regulations made under rules made by the Scottish Ministers by virtue of paragraph 27 of Schedule 8 to the 1986 Act⁽¹⁾ and article 2(3)(a) or (b) (but see section 30(2) of the 2010 Act⁽²⁾).

(4) Section 17(1), (4) and (6) of the 2000 Act do not apply in relation to regulations made by the Scottish Ministers by virtue of article 2(3)(c).

(5) Subject to paragraph (6), regulations made by the Scottish Ministers by virtue of article 2(3)(c) are subject to the negative procedure (see section 28 of the 2010 Act).

(6) Regulations made by the Scottish Ministers under section 14(2)(a) and 16 of the 2000 Act in the circumstances set out in section 17(5) of that 2000 Act⁽³⁾ are subject to the affirmative procedure (see section 29 of the 2010 Act).

(1) Paragraph 27 of Schedule 8 was amended by the Banking Act 2009 (c.1), section 125(7).

(2) Section 30(2) provides that a Scottish statutory instrument which is not subject to either the negative procedure or the affirmative procedure must be laid in the Scottish Parliament as soon as practicable after the instrument is made and before it comes into force.

(3) Amendments were made to section 17(5) of the 2000 Act which are not relevant for the purpose of this Order.