

Interpretation and Legislative Reform (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 57
Long Title

Schedules 1 to 4

Amendments marked * are new (including manuscript amendments) or have been altered.

Bruce Crawford

- 1 In section 26, page 9, line 10, after <(2)(b)> insert <on an address in the United Kingdom>

Section 27

Bruce Crawford

- 2 In section 27, page 9, line 23, leave out from <unless> to end of line 24

Bruce Crawford

- 3 In section 27, page 9, line 33, at end insert—

<(ca) a function of the High Court of Justiciary of making an act of adjournal under an enactment,

(cb) a function of the Court of Session of making an act of sederunt under an enactment, and>

Bruce Crawford

- 4 In section 27, page 9, line 37, at end insert—

<() a function falling within subsection (2)(a), (c), (ca) or (cb) where the enactment conferring the function or any other enactment provides that the function is not to be exercisable by Scottish statutory instrument,>

Bruce Crawford

- 5 In section 27, page 10, line 5, at end insert—

<() Section 10 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c.19) (acts of adjournal and acts of sederunt to be statutory instruments) is repealed.>

Section 28

Helen Eadie

- 22 In section 28, page 10, line 13, leave out <28> and insert <40>

Helen Eadie

- 24 In section 28, page 10, line 30, leave out subsection (8) and insert—
- <() In calculating the period of 40 days mentioned in subsection (2) or (3), no account is to be taken—
- (a) in the case of subsection (2), of any time during which the Scottish Parliament is dissolved or in recess for more than 16 days,
 - (b) in the case of subsection (3), of any time during which the Scottish Parliament is dissolved or in recess for more than four days.>

After section 28

Helen Eadie

- 25 After section 28, insert—
- <Modification of section 28 in case of certain instruments**
- (1) This section applies where—
 - (a) a Scottish statutory instrument to which section 28 applies is revoked—
 - (i) before it comes into force, and
 - (ii) before the expiry of the period of 40 days mentioned in section 28(3),
 - (b) the instrument is not revoked as a result of the Scottish Parliament resolving that it be annulled,
 - (c) the responsible authority which revoked the instrument (the “original instrument”)—
 - (i) lays another instrument (the “replacement instrument”) before the Parliament in accordance with section 28(2), and
 - (ii) at the same time as laying the replacement instrument, lays before the Parliament the statement mentioned in subsection (2), and
 - (d) the Subordinate Legislation Committee certify that they agree with the statement referred to in paragraph (c)(ii).
 - (2) The statement referred to in subsection (1)(c)(ii) is one stating that—
 - (a) the replacement instrument is in substantially the same terms, and is to substantially the same effect, as the original instrument, and
 - (b) the changes made to it compared with the original instrument are only such as are required to meet, and are in accordance with, relevant recommendations made by the Subordinate Legislation Committee in relation to the original instrument.

- (3) Section 28(3) applies as if, for the reference to the period of 40 days beginning with the date on which the instrument is laid there were substituted a reference to the period of 15 days beginning with the date on which the Subordinate Legislation Committee certifies that they agree with the statement laid in accordance with subsection (1)(c)(ii).
- (4) Subsection (3) applies only if the replacement instrument is laid before the expiry of the period of 40 days beginning with the day on which the original instrument was laid.
- (5) In this section—
 - “relevant recommendations” means recommendations of such type as are specified in standing orders of the Parliament,
 - “responsible authority” has the meaning given by section 28(9),
 - “Subordinate Legislation Committee” means the committee of the Parliament, for the time being constituted under the Parliament’s standing orders, the remit of which includes the scrutiny of subordinate legislation.>

Section 33

Bruce Crawford

- 6 In section 33, page 13, line 14, leave out <Otherwise, any> and insert <Any other>

Bruce Crawford

- 7 In section 33, page 13, line 15, at end insert—
 - <() References in this section to devolved subordinate legislation do not include references to subordinate legislation in relation to which an enactment provides, or has the effect of providing, that the subordinate legislation, or the Scottish statutory instrument containing it, cannot remain in force unless it is approved by resolution of the Scottish Parliament.>

Schedule 2

Bruce Crawford

- 8 In schedule 2, page 24, line 38, at end insert—
 - <() If provision is made in any pre-commencement enactment which disapplies that section in relation to the function, then the function is not to be exercisable by Scottish statutory instrument.

Functions of making acts of adjournal or acts of sederunt

- (1) This paragraph applies in relation to any function of the High Court of Justiciary of making acts of adjournal or the Court of Session of making acts of sederunt under a pre-commencement enactment.
- (2) If provision is made in the pre-commencement enactment conferring the function for the function to be exercisable otherwise than by statutory instrument, then the function is not to be exercisable by Scottish statutory instrument.>

Schedule 4

Bruce Crawford

- 9 In schedule 4, page 27, line 35, leave out <Section 28 applies> and insert <Sections 28 and 31 apply>

Bruce Crawford

- 10 In schedule 4, page 27, line 35, leave out <it applies> and insert <they apply>

Bruce Crawford

- 11 In schedule 4, page 27, line 37, leave out <it> and insert <them>

Bruce Crawford

- 12 In schedule 4, page 28, line 20, leave out <Section 30 applies> and insert <Sections 30 and 31 apply>

Bruce Crawford

- 13 In schedule 4, page 28, line 20, leave out <it applies> and insert <they apply>

Bruce Crawford

- 14 In schedule 4, page 28, line 22, leave out <reference in it> and insert <references in them>

Bruce Crawford

- 15 In schedule 4, page 28, line 23, leave out <a reference> and insert <references>

Long Title

Bruce Crawford

- 16 In the long title, page 1, line 3, leave out from first <to> to <law;> in line 4

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