

Changes to legislation: *European Union (Withdrawal) Act 2018, Cross Heading: Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 8

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

PART 2

SPECIFIC CONSEQUENTIAL PROVISION

Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10)

31 The Interpretation and Legislative Reform (Scotland) Act 2010 is amended as follows.

Commencement Information

II Sch. 8 para. 31 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

- 32 (1) Section 1 (application of Part 1 of the Act) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), after “day” insert “, in the case of Scottish instruments made as mentioned in paragraph (a) or (b) of the definition of “Scottish instrument” in subsection (4), ”, and
 - (b) after paragraph (b) (but before the “and” at the end of that paragraph) insert—
 - “(ba) Scottish instruments made on or after exit day, in the case of Scottish instruments made as mentioned in paragraph (c) or (d) of the definition of “Scottish instrument” in subsection (4),”.
- (3) In subsection (4)—
- (a) omit the “or” at the end of paragraph (a), and
 - (b) after paragraph (b) insert—
 - “(c) an Act of the Scottish Parliament (whenever passed) and any retained direct EU legislation (whenever made), or
 - (d) an Act of the Scottish Parliament and an Act of Parliament (in each case, whenever passed) and any retained direct EU legislation (whenever made).”
- (4) After subsection (9) insert—
- “(10) In this section “exit day” (and related expressions) and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).”

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Commencement Information

I2 Sch. 8 para. 32 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

33 In section 30 (other instruments laid before the Scottish Parliament), after subsection (6), insert—

“(7) This section does not apply in relation to any regulations made in accordance with paragraph 6 of Schedule 7 to the European Union (Withdrawal) Act 2018 (including that paragraph as applied by paragraph 19(7) of that Schedule).”

Commencement Information

I3 Sch. 8 para. 33 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

34 In section 37 (interpretation of Part 2 of the Act)—

- (a) in the definition of “enactment”, at the end insert “ and any retained direct EU legislation ”,
- (b) after that definition insert—
 - ““retained direct EU legislation” has the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act),” and
- (c) at the end insert—

““subordinate legislation” includes an instrument made or to be made under any retained direct EU legislation on or after exit day (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act)).”

Commencement Information

I4 Sch. 8 para. 34 in force at 4.7.2018 by S.I. 2018/808, reg. 3(g)(v)

35 In Schedule 1 (definitions of words and expressions)—

- (a) omit from “the EU” to “meanings given by that Act”, and
- (b) at the end insert—

“Definitions relating to the EU

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

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“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation (within the meaning of the European Union (Withdrawal) Act 2018 (see section 20(1) of that Act)).

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

“Member”, in the expression “member State”, refers to membership of the EU.

“The Treaties” or “the EU Treaties” means the Treaties or EU Treaties, within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before its repeal by section 1 of the European Union (Withdrawal) Act 2018, as at immediately before exit day (within the meaning of that Act (see section 20(1) to (5) of that Act)).”

Commencement Information

I5 Sch. 8 para. 35 in force at 31.12.2020 by S.I. 2020/1622, reg. 3(n) (with regs. 13, 22)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4)-(5ZA) word substituted by [2023 c. 28 Sch. 2 para. 8\(3\)\(c\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6(5ZA) inserted by [2023 c. 28 s. 6\(4\)](#)
- s. 6(6B) inserted by [2023 c. 28 s. 6\(6\)](#)
- s. 6A-6C inserted by [2023 c. 28 s. 6\(8\)](#)
- s. 6A word substituted by [2023 c. 28 Sch. 2 para. 8\(4\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6B word substituted by [2023 c. 28 Sch. 2 para. 8\(5\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)
- s. 6C word substituted by [2023 c. 28 Sch. 2 para. 8\(6\)](#) (The inserted text to be amended is still prospective so this amendment is not applied yet.)