Delegated Powers and Law Reform Committee

42nd Report, 2013 (Session 4)

Subordinate Legislation

Published by the Scottish Parliament on 5 September 2013
Delegated Powers and Law Reform Committee

Remit and membership

Remit:

1. The remit of the Delegated Powers and Law Reform Committee is to consider and report on—
   (a) any—
      (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
      (ii) [deleted]
      (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
   (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
   (c) general questions relating to powers to make subordinate legislation;
   (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
   (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and
   (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.
   (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
   (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

Membership:

Christian Allard
Nigel Don (Convener)
Mike MacKenzie
Hanzala Malik
John Pentland
John Scott
Stewart Stevenson (Deputy Convener)
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth White

Support Manager
Daren Pratt
Delegated Powers and Law Reform Committee

42nd Report, 2013 (Session 4)

Subordinate Legislation

The Committee reports to the Parliament as follows—

1. At its meeting on 3 September 2013, the Committee agreed to draw the attention of the Parliament to the following instruments—

   Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2013 (SSI 2013/218);

   Specified Products from China (Restriction on First Placing on the Market) (Scotland) Amendment Regulations 2013 (SSI 2013/221);

   Landfill (Scotland) Amendment Regulations 2013 (SSI 2013/222);

   Football Banning Orders (Regulated Football Matches) (Scotland) Order 2013 (SSI 2013/228);

   Sports Grounds and Sporting Events (Designation) (Scotland) Amendment (No. 2) Order 2013 (SSI 2013/229).

2. The Committee’s recommendations in relation to these instruments are set out below.

3. The instruments that the Committee determined that it did not need to draw the Parliament’s attention to are set out at the end of this report.
4. The Regulations make various amendments to the Council Tax Reduction (Scotland) Regulations 2012 and to the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012. They remove the right to make an appeal against a decision by a local authority on an application for council tax reduction under those principal 2012 Regulations to a Valuation Appeals Committee, and substitute a new review and appeal process. The Regulations also make a few clarifications and other amendments to the existing schemes in the principal 2012 Regulations.

5. The Regulations will come into force on 1 October 2013.

6. In considering the instrument, the Committee asked the Scottish Government for clarification of certain points. The correspondence is reproduced at Annex 1.

7. The Committee draws the Regulations to the attention of the Parliament on reporting ground (i). Regulation 9 appears to be defectively drafted, as it provides that the Council Tax Reduction (Scotland) Regulations 2012 are amended in accordance with regulations 10 to 16, when the intention is to so amend the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012.

8. The Scottish Government has acknowledged this error. It has laid the Council Tax Reduction (Scotland) Amendment (No. 3) Regulations 2013 on 9 August to correct it, in time for the coming into force of these Regulations on 1 October 2013.
9. This instrument implements EU Commission Decision 2013/287/EU on emergency measures regarding unauthorised genetically modified (GM) rice in rice products from China. That Decision was published on 14 June 2013 and required to be implemented in domestic law by 4 July 2013.

10. The instrument was laid in Parliament on 27 June 2013, and came into force on 4 July 2013. This breaches the “28 day rule” requirement between the laying date and the coming into force date of the instrument. (The breach of the rule does not affect the validity of the instrument).

11. The Scottish Ministers provided a letter to the Presiding Officer explaining the failure to comply with the 28 day rule. The correspondence is reproduced at Annex 2.

12. The Committee was content with the explanation provided for the breach of the 28 day rule.

13. There has been a failure to comply with the 28 day rule. The Committee therefore draws the instrument to the attention of the Parliament under reporting ground (j).

14. However, the Committee is content that the breach of the rule was necessary to ensure the continued integrity of the feed and food chain to prevent products containing unauthorised GM rice from being placed on the market in Scotland, and in order to comply with EU requirements. Accordingly the Committee is content with the explanation provided by the Food Standards Agency.
Landfill (Scotland) Amendment Regulations 2013 (SSI 2013/222) (Rural Affairs, Climate Change and Environment Committee)

15. The Regulations amend the Landfill (Scotland) Regulations 2003, to set out the circumstances in which liquid metallic mercury waste may be temporarily stored in a landfill site for more than one year. This principally takes up a derogation from the prohibition on the landfill of liquid waste, in the case of metallic mercury, which is allowed for by Regulation (EC) 1102/2008.

16. The Regulations were laid in Parliament on 1 July 2013, and came into force on 1 August 2013. This breaches the “28 day rule” requirement between the laying date and the coming into force date of the instrument. (The breach of this rule does not affect the validity of the Regulations).

17. In considering the instrument, the Committee asked the Scottish Government for clarification of certain points. The correspondence is reproduced at Annex 3.

18. The Scottish Government provided a letter to the Presiding Officer explaining the failure to comply with the 28 day rule. The correspondence is reproduced at Annex 3.

19. The Committee accordingly reports to Parliament on the breach of the 28 day rule, and it has considered the Scottish Government’s explanation for the breach.

20. The letter to the Presiding Officer explains that the Scottish Ministers required to transpose Directive 2011/97/EU (read with Regulation (EC) 1102/2008) which specifies the criteria relating to the storage of metallic mercury waste when stored for longer than 12 months, by 15 March 2013. That deadline date has been missed by all the UK administrations, due in part to other pressures on resources. It was necessary as a matter of EU law to make the transposition for Scotland as soon as possible which meant, according to the Scottish Government, bringing the instrument into force during the summer recess in breach of the 28 day rule.

21. The letter to the Presiding Officer also notes that the Regulations have no impact on any waste operator in Scotland, as mercury waste is not currently held in any landfill site, and there is no indication that an operator desires to store mercury waste in landfill in future. The Committee noted those limited effects of the Regulations, but also considered that in principle the Government’s explanation for the breach of the 28 day rule has not been satisfactory.

22. The Committee draws the instrument to the Parliament’s attention on reporting ground (j). The instrument has not been laid at least 28 days (not including days when the Parliament is in recess) before it came into force, as required by section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010.

23. The Committee draws the Scottish Government’s explanation for the breach of the 28 day rule to the attention of the lead Committee. The Committee considers that better advance planning of these Regulations could have avoided this breach, taking into account that Directive 2011/97/EU implemented by the Regulations was published in the Official
Journal in December 2011 and provided until 15 March 2013 for implementation.

24. The Scottish Government has explained to the Committee that the timings of that implementation of Directive 2011/97/EU and the chosen date of laying this instrument in advance of the date when it came into force have been considered to be an example of appropriate prioritisation of legislation. In view of the timescale for proper implementation of the Directive from December 2011 to March 2013, the Committee finds that explanation to be unsatisfactory.

25. The Committee notes that the Scottish Government has undertaken to consider a consolidation of the Landfill (Scotland) Regulations 2003 at a suitable time in future. The Committee agrees that a consolidation would be useful, as the 2003 Regulations have been amended by 9 enactments, including this instrument.
Football Banning Orders (Regulated Football Matches) (Scotland) Order 2013 (SSI 2013/228) (Justice Committee)

26. The Order amends section 55(3) of the Police, Public Order and Criminal Justice (Scotland) Act 2006. Section 55(3) defines “regulated football matches” for the purposes of Football Banning Orders, and the offence of “offensive behaviour at regulated football matches” (section 1 of the Offensive Behaviour and Threatening Communications (Scotland) Act 2012).

27. The instrument was made on 5 July and came into force on 6 July. It was laid before the Parliament on 8 July. This breaches the “28 day rule” requirement between the laying date and the coming into force date of the instrument. (The breach of this rule does not affect the validity of the Regulations).

28. The Scottish Ministers provided a letter to the Presiding Officer explaining the failure to comply with the 28 day rule. The correspondence is reproduced at Annex 4.

29. There has been a failure to comply with the 28 day rule. The Committee therefore draws the instrument to the attention of the Parliament under reporting ground (j).

30. However, the Committee is content that the breach of the rule was necessary to update the definition of “regulated football matches” contained in section 55(3) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 to include pre-season football matches where one or both of the participating teams represents a club which is a member of the Scottish Professional Football League.

31. Accordingly the Committee is content with the explanation provided by the Scottish Government.
Sports Grounds and Sporting Events (Designation) (Scotland) Amendment (No. 2) Order 2013 (SSI 2013/229) (Justice Committee)

32. The Order designates the Scottish Professional Football League, following the merger of the Scottish Premier League and the Scottish Football League, for the purposes of Part II of the Criminal Law (Consolidation) (Scotland) Act 1995 (“the 1995 Act”).

33. The instrument was made on 5 July and came into force on 6 July. It was laid before the Parliament on 8 July. It therefore does not comply with the 28 day rule.

34. The Scottish Ministers provided a letter to the Presiding Officer explaining the failure to comply with the 28 day rule. The correspondence is reproduced at Annex 5.

35. There has been a failure to comply with the 28 day rule. The Committee therefore draws the instrument to the attention of the Parliament under reporting ground (j).

36. However, the Committee is content that the breach of the rule was necessary to bring the Order into force to ensure that pre-season football matches played by members of the Scottish Professional Football League were subject to the terms of the Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010 as they would have been prior to the change of the league name. Accordingly the Committee is content with the explanation provided by the Scottish Government.
NO POINTS RAISED

37. At its meeting on 3 September 2013, the Committee considered the following instruments and determined that it did not need to draw the attention of the Parliament to any of the instruments on any grounds within its remit:

**Health and Sport**

Public Health etc. (Scotland) Act 2008 (Sunbed) Amendment Regulations 2013 (SSI 2013/201);

Sale of Tobacco (Prescribed Documents) (Scotland) Regulations 2013 (SSI 2013/202);

Contaminants in Food (Scotland) Regulations 2013 (SSI 2013/217).

**Infrastructure and Capital Investment**

Rosyth International Container Terminal (Harbour Revision) Order 2013 [draft].

**Justice**

Vulnerable Witnesses (Giving evidence in relation to the determination of Children’s Hearing grounds: Authentication of Prior Statements) (Scotland) Regulations 2013 (SSI 2013/215);

Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No. 11 and Saving Provision) Order 2013 (SSI 2013/214 (C.15)).

**Welfare Reform**

Council Tax Reduction (Scotland) Amendment (No. 3) Regulations 2013 (SSI 2013/239).
ANNEX 1

Council Tax Reduction (Scotland) Amendment (No. 2) Regulations 2013 (SSI 2013/218)

On 8 July 2013, the Scottish Government was asked:

1. (a) Would you propose to correct the error in regulation 9, which intends to provide that the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 are amended in accordance with regulations 10 to 16, but provides that the Council Tax Reduction (Scotland) Regulations 2012 are so amended?

   (b) If so, would you plan to bring forward an amendment to rectify the matter in time for the coming into force of the Regulations on 1 October 2013?

2. In relation to the principal Council Tax Reduction (Scotland) Regulations 2012 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012, we asked for explanation why, by reference to the purpose of the provisions, the Regulations do not relate to any of the reserved matters described in Section F1, Part 2, Schedule 5 to the Scotland Act 1998. We note in connection with these amending Regulations that the Illustrations in Section F1 include making decisions for the purposes of schemes mentioned in the reservation, and appeals against such decisions.

   Is your explanation the same in relation to these Regulations, or would you have anything to add?

The Scottish Government responded as follows:

1. The Scottish Government is grateful to the Committee and its advisers for drawing the error in regulation 9 to its attention. The Scottish Government will lay amending Regulations to come into force on 30 September 2013, to resolve the matter.

2. The Committee has previously had explanation from the Scottish Government as to why the Council Tax Reduction (Scotland) Regulations 2012 and the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012 are within devolved competence. It remains the Scottish Government’s view that those Regulations are within competence. They have now operated for several months with no challenge to their vires, and it is the firmly held view of the Scottish Government that any challenge to its competence to make the Regulations would be unsuccessful.

The Scottish Government would also observe that the UK Government agreed, as part of its welfare reform programme, to progress an Order under section 30 of the Scotland Act 1998 to amend the social security reservation in Section F1, Part 2, Schedule 5 of that Act. That Order related to Social Fund changes. The UK Government is, of course, fully aware of the legislative provision that the Scottish
Government has made in relation to council tax reduction, but has not suggested that there is any requirement for a Scotland Act Order in respect of it.

The reservation in the Scotland Act 1998 refers to social security schemes and appeals against decisions for the purposes of reserved schemes. The provision made by the Regulations which are the subject of this query does not relate to a social security scheme. It relates to two types of reduction of liability to council tax, not the provision of assistance to meet a liability for council tax. The Scottish Government considers that this is the significant point in distinguishing the provision made by the Regulations from the matters that are reserved by the Scotland Act 1998.
ANNEX 2

Specified Products from China (Restriction on First Placing on the Market) (Scotland) Amendment Regulations 2013 (SSI 2013/221)

Breach of laying requirements: letter to Presiding Officer

The above instrument was made under section 2(2) of the European Communities Act 1972, on 27 June 2013. It is being laid before the Scottish Parliament and comes into force 4 July 2013.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act, this letter sets out why it is necessary to lay the instrument less than 28 days before it is brought into force.

This instrument amends the Specified Products from China (Restriction on First Placing on the Market) (Scotland) Regulations 2008 in order to implement European Commission Implementing Decision 2013/287/EU of 14 June 2013 (“the Commission Implementing Decision”) setting out emergency measures regarding unauthorised genetically modified (GM) rice in rice products originating from China, and amending Commission Implementing Decision 2011/884/EC.

The Commission proposed new emergency measures to replace existing import controls on rice products from China which strengthen controls aiming to ensure the absence of unauthorised GM rice material in rice products from China. The Commission Implementing Decision enhances the requirements for Food Business Operators to produce and present appropriate import documentation to the Competent Authority prior to import. The Commission’s proposal was agreed in EU Standing Committee on 26 April and was subsequently published in the Official Journal of the European Union on 14 June 2013. It enters into force 4 July which is the same day by which it must be implemented.

It is necessary that this instrument comes into force on 4 July 2013 to avoid infraction proceedings by the European Commission for failing to implement an emergency Commission Implementing Decision on time.

In the short time available, the Food Standards Agency has moved quickly to consider the provisions of the Commission Implementing Decision and how it should be implemented - specifically to provide for a proportionate and enforceable system of import controls, and to co-ordinate that implementation with administrations in the rest of the UK. In particular, we have liaised with import and policy colleagues in drafting this instrument together with the policy note.

Due to the urgency of these emergency measures and the strict European timescale, it was not possible to carry out a full business and regulatory impact assessment (“BRIA”) and formal 12-week consultation. However, the Food Standards Agency will carry out a consultation and a BRIA will follow after this instrument has come into force. In order to give effect to the emergency Commission Implementing Decision 2013/287/EU within the strict European
timescale given, and to do so concurrently with equivalent legislation being made in the rest of the United Kingdom, the Food Standards Agency in Scotland considers that it is necessary to bring this instrument into force on 4 July 2013, without complying with section 28(2).
ANNEX 3

Landfill (Scotland) Amendment Regulations 2013 (SSI 2013/222)

On 8 July 2013, the Scottish Government was asked:

1. (a) The letter to the Presiding Officer of 1 July explains that the transposition deadline of 15 March 2013 has been missed by the UK administrations, with this instrument having come into force on 1 August 2013. In short, the Scottish Government appears not to have given this matter priority. As a result the Scottish Ministers have not fulfilled our EU obligations in this respect. Could further information as to the reason for this be given to the Committee? We observe that Council Directive 2011/97/EU was implemented for England and Wales on 26 April 2013, and for Northern Ireland on 4 July 2013.

(b) The letter does not (in our view) provide explanation as to why the “laying requirements” in section 28(2) have not been complied with although we infer that this was partly a result of the failure to prioritise this matter appropriately.

It does not explain why a period of at least 28 days (not including recess dates) could not be scheduled between the date of laying and the date when the instrument is brought into force, to enable the Parliament a sufficient period for scrutiny of the instrument before it came into force. The chosen timing has not allowed any days for scrutiny, prior to the instrument coming into force.

Could an explanation be provided therefore, to assist the Committee in reporting that there has been a failure to comply with section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010? In particular why was it not possible to prepare and deliver an implementation programme for Council Directive 2011/97/EU which took account of compliance with the 28 day rule, given that the Directive was published on 10 December 2011 and provided until 15 March 2013 for implementation?

2. The footnote to the principal 2003 Regulations narrates that they have been amended by 8 enactments, prior to these amending Regulations. Would the Scottish Government plan to undertake a consolidation of the Regulations?

The Scottish Government responded as follows:

1. (a) The Committee will note that all of the UK administrations missed the transposition deadline, with the Scottish Government being the last to transpose.

(b) The Scottish Government did not comply with the laying requirements in order to ensure that the transposing instrument entered into force as soon as was practicable after the transposition deadline, having regard in particular to the need for the UK as a whole to transpose this Directive.

The Scottish Government carefully considers how best to match its limited resource with external demands, and prioritises work accordingly.
In this case it had regard to the need to comply with EU obligations in an efficient and timely manner, to the absence of any current or planned waste mercury storage installations in Scotland, and to the other demands on resources in particular work on the Regulatory Reform (Scotland) Bill which the Committee has been considering.

The Scottish Government regrets the inconvenience caused by the coming into force date, and intends no discourtesy to the Parliament, but does not agree that there has been a failure to prioritise this work appropriately. Indeed, the prioritisation of the Bill over an instrument which will have no practical effect should be seen as an example of appropriate prioritisation.

2. The Scottish Government agrees that it is desirable to consolidate instruments that have been frequently amended, and will consider consolidating the Landfill (S) Regulations 2003 when there is a suitable opportunity to do so.

It is possible, however, that the Regulations will be superseded by provision made under the powers contained in the Regulatory Reform (Scotland) Bill, which would provide for better integration of the requirements relating to landfills with other controls on waste management activities.

**Breach of laying requirements: letter to Presiding Officer**

The Landfill (Scotland) Amendment Regulations 2013 were made by the Scottish Ministers under section 2(2) of the European Communities Act 1972 on 27 June 2013, and are being laid before the Scottish Parliament today, 1 July 2013 and come into force on 1 August 2013.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) has not been complied with.

To meet the requirements of section 31(3) that Act, this letter explains why.

**Reason for non-compliance**

The Scottish Ministers required to transpose Directive 2011/97/EU, which specifies the criteria relating to the storage of metallic mercury waste when stored for longer than 12 months, by 15 March 2013.

The transposition deadline has been missed by all the UK administrations, due in part to other pressures on resources. It is therefore necessary as a matter of EU law that we transpose for Scotland as soon as possible, which means bringing the instrument into force during the summer recess in breach of the 28 day rule.

This will also ensure that the UK transposition is completed as soon as is practicable.

It should be noted that these amending regulations will have no impact on any waste operator in Scotland as mercury waste is not currently held in any landfill,
and there is no indication that any operator desires to store mercury waste in a landfill in the future.
ANNEX 4

Football Banning Orders (Regulated Football Matches) (Scotland) Order 2013 (SSI 2013/228)

Breach of laying requirements: letter to Presiding Officer

The above instrument was made by the Scottish Ministers under section 55(4) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, and all other powers enabling them to do so. It is being laid before the Scottish Parliament today and is to come into force on 6th July 2013.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act, this letter explains why.

This Order is made in consequence of Scottish football league reconstruction. Scottish football clubs voted on 27 June 2013 in favour of the amalgamation of the Scottish Premier League and the Scottish Football League to form the Scottish Professional Football League. The immediate effect of that vote was that members of the Scottish Football League became members of the Scottish Premier League. The Scottish Premier League then applied to change its name to the Scottish Professional Football League and that name change has now taken place.

The process of league reconstruction has implications for section 55(3) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, which defines ‘regulated football matches’ for the purposes of Football Banning Orders and the offence of ‘offensive behaviour at regulated football matches’ (section 1 of the Offensive Behaviour and Threatening Communications (Scotland) Act 20012).

The current definition of ‘regulated football matches’ include matches where one or both of the participating teams “represents a club which is for the time being a member of the Scottish Premier League or the Scottish Football League”. Matches played by members of the merged league prior to the change of name to the Scottish Professional Football League therefore remained ‘regulated football matches’, and subject to the law in the usual way, as clubs were members of the Scottish Premier League and covered by the existing definition.

However, a consequence of league reconstruction is that the definition requires to be changed to ensure that the law continues to apply to Scottish football clubs in membership of the Scottish Professional Football League in the same way as it has applied to them as members of the Scottish Premier League and the Scottish Football League. The Order therefore provides that the existing reference to the Scottish Premier League and the Scottish Football League is replaced by a reference to the Scottish Professional Football League.

Consideration was given to how quickly the change in definition of ‘regulated football matches’, and therefore the Order, needed to come into force. While next season’s league fixtures are not scheduled to commence until early August, pre-

16
season fixtures involving members of the Scottish Professional Football League commenced on Saturday 29 June (with matches involving Celtic, Dumbarton, Hibernian and Stenhousemuir).

It was therefore necessary for the Order to come into force immediately to ensure that matches played by members of the Scottish Professional Football League are ‘regulated’ football matches’, in the same way they would have been before the change of league name, thereby ensuring continuity in the application of the law. The Order was therefore made as soon as the Government was informed that the change of name to the Scottish Professional Football League had been approved, to come into force the day after.

I hope that this explanation of the Government's reasons for making this order and for the timing of its provisions coming into force is helpful.
ANNEX 5

Sports Grounds and Sporting Events (Designation) (Scotland) Amendment (No. 2) Order 2013 (SSI 2013/229)

Breach of laying requirements: letter to Presiding Officer

The above instrument was made by the Scottish Ministers under section 18 of the Criminal Law (Consolidation) (Scotland) Act 1995 and is required following league reconstruction within Scottish football. The instrument comes into force on 6th July 2013.

Section 28(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 has not been complied with. In accordance with section 31(3) of that Act, this letter sets out why it is necessary to lay the instrument less than 28 days before it is brought into force.

This Order is made in consequence of Scottish football league reconstruction. Scottish football clubs voted on 27 June 2013 in favour of the amalgamation of the Scottish Premier League (SPL) and the Scottish Football League (SFL) to form the Scottish Professional Football League (SPFL). The immediate effect of that vote was that members of the SFL became members of the SPL. The SPL then applied to change its name to the Scottish Professional Football League and that name change has now taken place.

The need for subordinate legislation arises from statutory references to the SFL and the SPL in the Sports Grounds and Sporting Events (Designation) (Scotland) Order 2010. Those references will now require to be updated to refer to the SPFL to ensure that the law continues to apply to Scottish football clubs as members of that new organization in the same way that it has applied to them as members of the SFL and SPL. This necessary change can be achieved via secondary legislation, subject to negative procedure.

Consideration was given to how quickly the Order needs to come into force. While next season’s league fixtures are not scheduled to commence until early August, the amendment was required to ensure that pre-season matches are caught by the relevant legislation following the formal change of name.

It was therefore necessary for the Order to come into force immediately without delay to ensure that matches played by members of the SPFL fall within the legislation in the same way they would have been before the change of league name, thereby ensuring continuity in the application of the law. The Order was therefore made as soon as the Government was informed that the change of name to the SPFL had been approved, to come into force the day after. The need to have the Order come into force as soon as possible is also the reason why it was not possible to lay it before it came into force, as it was not possible to wait until printing processes had been completed before doing so. [The Order was laid on the same day as it came into force but, due to the operation of section 3(2) of the Interpretation and Legislative Reform (Scotland) Act 2010, it came into force at
the start of the day and was laid during the course of that day so technically it came into force before it was laid.]

I hope that this explanation of the Government’s reasons for making this order and for the timing of its provisions coming into force is helpful.
Members who would like a printed copy of this *Numbered Report* to be forwarded to them should give notice at the Document Supply Centre.

Produced and published in Scotland on behalf of the Scottish Parliamentary Corporate Body by APS Group Scotland

All documents are available on the Scottish Parliament website at:

www.scottish.parliament.uk

For details of documents available to order in hard copy format, please contact:

APS Scottish Parliament Publications on 0131 629 9941.

For information on the Scottish Parliament contact Public Information on:

Telephone: 0131 348 5000
Textphone: 0800 092 7100
Email: sp.info@scottish.parliament.uk