

Appendix F – Extract from Standing Orders of the Scottish Parliament

Rule 10.3 Subordinate Legislation Scrutiny

1. In considering the instrument or draft instrument, the committee mentioned in Rule 6.11 shall determine whether the attention of the Parliament should be drawn to the instrument on the grounds—

- (a) that it imposes a charge on the Scottish Consolidated Fund or contains provisions requiring payments to be made to that Fund or any part of the Scottish Administration or to any local or public authority in consideration of any licence or consent or of any services to be rendered, or prescribes the amount of any such charge or payment;
- (b) that it is made in pursuance of any enactment containing specific provisions excluding it from challenge in the courts, on all or certain grounds, either at all times or after the expiration of a specific period or that it contains such provisions;
- (c) that it purports to have retrospective effect where the parent statute confers no express authority so to provide;
- (d) that there appears to have been unjustifiable delay in the publication or in the laying of it before the Parliament;
- (e) that there appears to be a doubt whether it is *intra vires*;
- (f) that it raises a devolution issue;
- (g) that it has been made by what appears to be an unusual or unexpected use of the powers conferred by the parent statute;
- (h) that for any special reason its form or meaning could be clearer;
- (i) that its drafting appears to be defective;
- (j) that there appears to have been a failure to lay the instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act.

or on any other ground which does not impinge on its substance or on the policy behind it.