



# Education (Additional Support for Learning) (Scotland) Act 2004

## 2004 asp 4

### *General*

#### **34 Orders, regulations and rules**

- (1) Any power of the Scottish Ministers to make orders, regulations or rules under this Act is exercisable by statutory instrument.
- (2) Any such power includes power to make—
  - (a) such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
  - (b) different provision for different purposes.
- (3) An order under section 32 may modify any enactment, instrument or document.
- (4) A statutory instrument containing an order, regulations or rules under this Act (except [<sup>F1</sup>section 3B(3),] section 17(5), section 32 (where subsection (5) applies) and section 35) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No—
  - (a) order under sections 20 and 32 containing provisions which add to, replace or omit any part of the text of an Act, or
  - (b) regulations under section [<sup>F2</sup>3B(3) or] 17(5),is or are to be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, the Parliament.

#### **Annotations:**

#### **Amendments (Textual)**

- F1** Words in s. 34(4) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\), s. 33\(2\), sch. para. 24\(a\)](#); S.S.I. 2017/354, reg. 2(a)
- F2** Words in s. 34(5)(b) inserted (10.1.2018) by [Education \(Scotland\) Act 2016 \(asp 8\), s. 33\(2\), sch. para. 24\(b\)](#); S.S.I. 2017/354, reg. 2(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Education (Additional Support for Learning) (Scotland) Act 2004, Section 34.