



Licensing (Scotland) Act 2005

2005 asp 16

PART 9

MISCELLANEOUS AND GENERAL

General

146 Orders and regulations

- (1) Any power of the Scottish Ministers to make orders or regulations 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 145 may modify any enactment (including this Act), instrument or document.
- (4) A statutory instrument containing an order or regulations under this Act except—
 - (a) an order under section 65(4), 123(6)^[F1], 150(2), paragraph 6A(4) of schedule 3, or paragraph 5A(4) of schedule 4],
 - (b) regulations under section 27(2)^[F2], 27A(1)^[F3], 60(2)] or 139(3), and
 - (c) where subsection (5) applies, ^[F4]regulations under section 9B(5) or] an order under section 145,is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No—
 - ^[F5](za) regulations under section 9B(5) containing provisions which add to, replace or omit any part of the text of subsection (3) of that section,]
 - (a) order under section 65(4)^[F6], 123(6), paragraph 6A(4) of schedule 3, or paragraph 5A(4) of schedule 4],
 - (b) regulations under section 27(2)^[F7], 27A(1)^[F8], 60(2)] or 139(3), or
 - (c) order under section 145 containing provisions which add to, replace or omit any part of the text of an Act,

Changes to legislation: Licensing (Scotland) Act 2005, Section 146 is up to date with all changes known to be in force on or before 18 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

is to be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

- F1** Words in s. 146(4)(a) substituted (6.12.2017 for specified purposes, 1.5.2018 in so far as not already in force) by [Alcohol \(Minimum Pricing\) \(Scotland\) Act 2012 \(asp 4\)](#), **ss. 1(4)(a)**, 5(2); S.S.I. 2017/402, art. 2; S.S.I. 2018/88, art. 2
- F2** Word in s. 146(4)(b) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 10(2)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, sch.
- F3** Word in s. 146(4)(b) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 8(3)(a)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, sch.
- F4** Words in s. 146(4)(c) inserted (1.12.2015 for specified purposes, 15.5.2017 in so far as not already in force) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 56(3)(a)**, 88(2); S.S.I. 2015/382, art. 2, sch.; S.S.I. 2017/119, art. 2, sch.
- F5** S. 146(5)(za) inserted (1.12.2015 for specified purposes, 15.5.2017 in so far as not already in force) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 56(3)(b)**, 88(2); S.S.I. 2015/382, art. 2, sch.; S.S.I. 2017/119, art. 2, sch.
- F6** Words in s. 146(5)(a) substituted (6.12.2017 for specified purposes, 1.5.2018 in so far as not already in force) by [Alcohol \(Minimum Pricing\) \(Scotland\) Act 2012 \(asp 4\)](#), **ss. 1(4)(b)**, 5(2); S.S.I. 2017/402, art. 2; S.S.I. 2018/88, art. 2
- F7** Word in s. 146(5)(b) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 10(2)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, sch.
- F8** Word in s. 146(5)(b) inserted (1.10.2011) by [Alcohol etc. \(Scotland\) Act 2010 \(asp 18\)](#), **ss. 8(3)(b)**, 18(1) (with s. 16); S.S.I. 2011/149, art. 2, sch.

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Changes and effects yet to be applied to :

- specified provision(s) Appointed Day(s) by [S.S.I. 2006/239 art. 2](#) (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

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. 33(1)(1A) substituted for s. 33(1)-(3) by [2015 asp 10 s. 49\(2\)\(a\)](#)
- s. 33(8)(za) inserted by [2015 asp 10 s. 49\(2\)\(c\)](#)
- s. 33(8A) inserted by [2015 asp 10 s. 49\(2\)\(d\)](#)
- s. 33A inserted by [2015 asp 10 s. 49\(4\)](#)
- s. 134ZA-134ZC inserted by [2015 asp 10 s. 61\(2\)](#)