

*These notes relate to the Glasgow Commonwealth Games Act 2008 (asp 4) which received Royal Assent on 10 June 2008*

# **GLASGOW COMMONWEALTH GAMES ACT 2008**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Subordinate Legislation: Procedure***

##### ***Section 43: Orders and regulations***

92. This sets out the procedure under which the Scottish Ministers can exercise powers which the Act gives them to make subordinate legislation. All orders and regulations are to be made by statutory instrument (and will be published as such).
93. Subsection (2) provides that any power to make regulations or orders may be used to make different provision for different purposes and includes power to make any incidental, supplementary, consequential, transitory, transitional or saving provisions as the Scottish Ministers consider appropriate.
94. In accordance with subsection (3) and subject to subsection (4), statutory instruments under the Act will be subject to the Scottish Parliament's negative resolution procedure, except for commencement orders and an order under section 50(2) setting a repeal day for the Act, which will not be subject to any parliamentary procedure.
95. Subsection (4) requires that no statutory instrument containing the first trading regulations, advertising regulations or regulations under section 19 (use of the internet) may be made unless a draft of the instrument has been laid before, and approved by a resolution of the Scottish Parliament.

##### ***Section 44: Consultation***

96. This section requires the Scottish Ministers, before making the first trading and advertising regulations, to consult the councils for the areas in which it is proposed that the regulations will apply, the Organising Committee and any other persons who the Scottish Ministers consider appropriate.

##### ***Section 45: Factors for Ministers to consider***

97. This section requires the Scottish Ministers, when making the trading and advertising regulations, to have regard to the Host City Contract, any requests or guidance from the Commonwealth Games Federation and, where relevant, the impact of the regulations on the effective operation of the Games.

##### ***Section 46: Notice***

98. This section requires the Scottish Ministers to give public notice, no later than 2 years before the Games begin, of the general nature of the first trading and advertising regulations and to give public notice no later than 6 months before the Games begin of the detailed provisions of the first trading and advertising regulations.