



Public Health etc. (Scotland) Act 2008

2008 asp 5

PART 10

GENERAL AND MISCELLANEOUS

General and miscellaneous

122 Regulations and orders

- (1) Any power conferred by this Act on the Scottish Ministers to make regulations or orders is exercisable by statutory instrument.
- (2) Any such power—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes;
 - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Scottish Ministers think fit.
- (3) The Scottish Ministers must, before making regulations under this Act, consult, in so far as it is reasonably practicable to do so, such persons as they consider appropriate.
- (4) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No statutory instrument containing regulations made under section 25(3), 94(1), 99(1) or 105(11) may be made unless a draft of it has been laid before, and approved by resolution of, the Scottish Parliament.
- (6) Subsection (5) does not apply to regulations made under section 25(3) or 94(1) if the Scottish Ministers consider that the regulations need to be made urgently.
- (7) Where subsection (6) applies, the regulations (the “emergency regulations”)—
 - (a) must be laid before the Scottish Parliament; and
 - (b) cease to have effect at the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament.
- (8) Subsection (7)(b) does not apply in relation to regulations which—

Changes to legislation: Public Health etc. (Scotland) Act 2008, Section 122 is up to date with all changes known to be in force on or before 24 January 2018. 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)

- (a) revoke (in whole or in part) emergency regulations; and
 - (b) do—
 - (i) nothing else; or
 - (ii) nothing else except make provision incidental or supplementary to the revocation.
- (9) In calculating any period of 28 days for the purposes of subsection (7)(b), no account is to be taken of any period during which the Scottish Parliament is—
- (a) dissolved; or
 - (b) in recess for more than 4 days.
- (10) Where emergency regulations cease to have effect under subsection (7)(b), that does not—
- (a) affect anything previously done by reference to the regulations;
 - (b) prevent new emergency regulations being made to the same or similar effect.

Changes to legislation:

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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. 92(1)(b)(i)(ii) inserted by [2016 asp 20 Sch. 1 para. 2\(a\)](#)