



# Prisons (Scotland) Act 1989

## 1989 CHAPTER 45

### *Miscellaneous*

#### [<sup>F1</sup>42 Exercise of power to make rules, etc.

- (1) Any power of the Secretary of State to make rules or regulations under this Act, and the power of the Secretary of State to make an order under section <sup>F2</sup> . . . [<sup>F3</sup> section 22(2) or 37(1) ] of this Act, shall be exercisable by statutory instrument.
- (2) Any statutory instrument containing [<sup>F4</sup> regulations made under section 7A(4),] [<sup>F5</sup> an order made under section 37(1) or rules made under section 39 of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament].

<sup>F6</sup>( 3 ) . . . . .

<sup>F6F7</sup>( 4 ) . . . . .]

#### **Textual Amendments**

- F1** Words in s. 41B(3) added (8.2.2006) by Management of Offenders etc. (Scotland) Act 2005 (asp 14), **ss. 16(c)(iii), 24(2)**; S.S.I. 2006/48, art. 3(1), sch. Pt. 1
- F2** Words in s. 42(1) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F3** Words in s. 42(1) substituted (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), s. 89(2), **Sch. 4 para. 1(a)**; S.S.I. 2003/288, art. 2, Sch.
- F4** Words in s. 42(2) inserted (31.8.2015) by The Public Services Reform (Inspection and Monitoring of Prisons) (Scotland) Order 2015 (S.S.I. 2015/39), arts. 1, **2(10)** (with art. 5)
- F5** Words in s. 42(2) substituted (18.8.1993) by 1993 c. 9, s. 47(1), **Sch. 5 para. 6(8)** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, art. 3(2), **Sch. 1**.
- F6** S. 42(3)(4) repealed (1.10.1993) by 1993 c. 9, s. 47(3), **Sch. 7 Pt.I** (with s. 47(2), Sch. 6 paras. 1, 2); S.I. 1993/2050, **art. 3(4)**.
- F7** s. 42(4) further amended (27.6.2003) by Criminal Justice (Scotland) Act 2003 (asp 7), s. 89(2), **Sch. 4 para. 1(b)**; S.S.I. 2003/288, art. 2, Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Prisons (Scotland) Act 1989, Section 42.