



Scotland Act 1998

1998 CHAPTER 46

PART VI

SUPPLEMENTARY

Subordinate legislation

112 Subordinate legislation: general.

- (1) Any power to make subordinate legislation conferred by this Act shall, if no other provision is made as to the person by whom the power is exercisable, be exercisable by Her Majesty by Order in Council or by a Minister of the Crown by order.
- (2) But the power to make subordinate legislation under section 129(1) providing—
 - (a) for the appropriation of sums forming part of the Scottish Consolidated Fund, or
 - (b) for sums received by any person to be appropriated in aid of sums appropriated as mentioned in paragraph (a),shall be exercisable only by Her Majesty by Order in Council.
- (3) References in this Act to an open power are to a power to which subsection (1) applies (and include a power to make subordinate legislation under section 129(1) whether or not the legislation makes provision as mentioned in subsection (2)).
- (4) An Order in Council under an open power may revoke, amend or re-enact an order, as well as an Order in Council, under the power; and an order under an open power may revoke, amend or re-enact an Order in Council, as well as an order, under the power.
- (5) Any power to make subordinate legislation conferred by this Act shall, in relation to its exercise by a Minister of the Crown or a member of the [^{F1}Scottish Government], be exercisable by statutory instrument.

^{F2}(6)

*Changes to legislation: There are currently no known outstanding effects
for the Scotland Act 1998, Section 112. (See end of Document for details)*

Textual Amendments

- F1** Words in Act substituted (3.7.2012) by [Scotland Act 2012 \(c. 11\)](#), **ss. 12(2)(a)**, 44(5) (with s. 12(3));
[S.I. 2012/1710](#), art. 2(f)
- F2** [S. 112\(6\)](#) omitted (18.5.2017) by virtue of [Scotland Act 2016 \(c. 11\)](#), **ss. 10(3)**, 72(4)(a); [S.I. 2017/608](#),
reg. 2(1)(h)

Changes to legislation:

There are currently no known outstanding effects for the Scotland Act 1998, Section 112.