



# Freedom of Information (Scotland) Act 2002

2002 asp 13

## PART 7

### MISCELLANEOUS AND SUPPLEMENTAL

#### 72 Orders and regulations

- (1) Any power of the Scottish Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument—
  - (a) made in exercise of any of the powers conferred by sections 4(1) (except in the case mentioned in subsection (3)), 13(1) or 62(3) is subject to annulment in pursuance of a resolution of the Parliament;
  - (b) containing an order under section 4(1) (but only in the case so mentioned), 5(1), 7(2) or (4)(b), 59(1) <sup>F1</sup> or (1A) ] or 64(1) or regulations under section 9(4), 10(4), 12, 20(7), 21(6) or 47(6) is not made unless a draft of the instrument has been—
    - (i) laid before; and
    - (ii) approved by resolution of, the Parliament.
- (3) The case is that the instrument contains an order under paragraph (a) of section 4(1) and lists an authority in the way mentioned in section 7(1).

#### Textual Amendments

- F1** Words in s. 72(2)(b) inserted (31.5.2013) by [Freedom of Information \(Amendment\) \(Scotland\) Act 2013 \(asp 2\)](#), ss. 4(2), 7; S.S.I. 2013/136, art. 2

**Changes to legislation:**

Freedom of Information (Scotland) Act 2002, Section 72 is up to date with all changes known to be in force on or before 23 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.

[View outstanding changes](#)

**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):

- sch. 1 para. 74A inserted by [2023 asp 6 sch. 2 para. 2\(2\)](#)