



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 3

GENERAL

36 Orders and regulations

- (1) Any power of the Scottish Ministers to make orders or regulations under this Act is exercisable by statutory instrument.
- (2) Any such power includes power to make—
 - (a) such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
 - (b) provision for the delegation of functions,
 - (c) different provision for different purposes and different areas.
- (3) An order under ^{F1}... 37, and regulations under section 8, 20, 22 or 23, may modify any enactment, instrument or document.
- (4) A statutory instrument containing an order or regulations under—
 - (a) any of sections 2, 5 to 7, 9, 10 and (except where subsection (6) applies) 37, or
 - (b) paragraph 20(4) of schedule 2,is subject to annulment in pursuance of a resolution of the Parliament.
- (5) A statutory instrument containing regulations under section 8, 19, 20, 22 or 23, if made without a draft having been laid before, and approved by a resolution of, the Parliament is subject to annulment in pursuance of a resolution of the Parliament.
- (6) No—
 - (a) order under section 4 ^{F2}...,
 - (b) regulations under section 25,
 - (c) order under section 37 or regulations under section 8, 20, 22 or 23 containing provisions which add to, replace or omit any part of the text of an Act,

Changes to legislation: *Water Environment and Water Services (Scotland) Act 2003, Section 36 is up to date with all changes known to be in force on or before 23 January 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. (See end of Document for details) View outstanding changes*

is or are to be made unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by a resolution of, the Parliament.

Textual Amendments

- F1** Words in s. 36(3) repealed (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\), s. 59\(2\), Sch.](#); [S.S.I. 2007/130, art. 2\(2\), Sch.](#)
- F2** Words in s. 36(6)(a) repealed (1.4.2007) by [Planning etc. \(Scotland\) Act 2006 \(asp 17\), s. 59\(2\), Sch.](#); [S.S.I. 2007/130, art. 2\(2\), Sch.](#)

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Changes and effects yet to be applied to :

- s. 36(3) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)
- s. 36(4)(b) and word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(b\)](#)
- s. 36(5) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)
- s. 36(6) word repealed by [2014 asp 3 sch. 3 para. 8\(8\)\(a\)](#)

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. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)