



Local Governance (Scotland) Act 2004

2004 asp 9

PART 3

MISCELLANEOUS AND GENERAL

16 Orders and regulations

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations 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) different provision for different purposes.
- (3) Orders under sections 3(1) [^{F1}, 3A] and 15 and regulations under section 11(1) may modify any enactment.
- (4) A statutory instrument containing an order (other than an order made under section 17(2)) or regulations made under this Act is, unless subsection (5) otherwise provides, subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No—
 - (a) order under section 3(1) containing provisions of the type mentioned in section 3(2), or
 - [^{F2}(aa) order containing provisions made under section 3A,]
 - (b) order under section 3(1) or 15, or regulations under section 11(1), containing provisions which add to, replace or omit any part of the text of an Act,may be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of the Parliament.

Textual Amendments

- F1** Word in s. 16(3) inserted (30.4.2010) by [Scottish Local Government \(Elections\) Act 2009 \(asp 10\)](#), ss. [2\(2\)\(a\)](#), 3(3); S.S.I. 2010/132, art. 2

*Changes to legislation: There are currently no known outstanding effects for the
Local Governance (Scotland) Act 2004, Section 16. (See end of Document for details)*

F2 S. 16(5)(aa) inserted (30.4.2010) by Scottish Local Government (Elections) Act 2009 (asp 10), **ss. 2(2)(b)**, 3(3); S.S.I. 2010/132, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Local Governance (Scotland) Act 2004, Section 16.