



# Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

## PART 7

### GENERAL

#### 40 Regulations or orders

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations—
  - (a) must be exercised by statutory instrument;
  - (b) may be exercised so as to make different provision for different purposes.
- (2) A statutory instrument containing an order or regulations made under this Act (except an order under section 43(3)) is, subject to subsection (3), subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing—
  - (a) regulations under section 3(3) [<sup>F1</sup>, 4(2) or (8) or 4D(2)(a) or (4)(a)] or paragraph 2, 4(1), 5(2), 12 or 13 of schedule 1 or an order under section 9 or 33(4)(e);
  - (b) an order under section 39 containing provisions which add to, replace or omit any part of the text of an Act,is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

#### Textual Amendments

- F1** Words in s. 40(3)(a) substituted (2.3.2022 for specified purposes, 5.9.2022 in so far as not already in force) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016 \(asp 14\)](#), [ss. 20\(7\), 36\(2\)](#); [S.S.I. 2022/43](#), reg. 2, sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 40.