Water Services etc. (Scotland) Act 2005

2005 asp 3

PART 4

MISCELLANEOUS AND GENERAL

General

34 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 consider necessary or expedient; and

(b) different provision for different purposes.

[[F1](2A) Regulations under section 20C(4) or 20D(4) are subject to the negative procedure.**]**

(3) A statutory instrument containing an order under—

(a) section 2, 7(2), 13(6), 14(1), (2), (6) or (9), 18(3), 20(8), 25(1) or 27(3);

(b) subject to subsection (4)(a), section 33; or

(c) paragraph 1(1) or (4)**[**[F2], 1A(1)**]** or 12(1) or (2)(g) of schedule 2,

is subject to annulment in pursuance of a resolution of the Parliament.

(4) A statutory instrument containing—

(a) an order under section 33 which amends an Act; or

(b) regulations under section 4(7) or 5(7),

is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

F1 S. 34(2A) inserted (10.6.2013 for specified purposes, 1.1.2017 in so far as not already in force) by Water Resources (Scotland) Act 2013 (asp 5), **ss. 33(1)**, 56(1)(2); S.S.I. 2013/163, art. 3, sch.; S.S.I. 2016/327, art. 2

F2 Words in s. 34(3)(c) inserted (20.11.2015) by Water Act 2014 (c. 21), **ss. 7(4)**, 94(3); S.S.I. 2015/360, art. 2(b)

35 Interpretation

(1) In this Act, unless the context otherwise requires—

"the 1968 Act" means the Sewerage (Scotland) Act 1968 (c. 47);
"the 1980 Act" means the Water (Scotland) Act 1980 (c. 45);
"the 2002 Act" means the Water Industry (Scotland) Act 2002 (asp 3);
"the Commission" means the Water Industry Commission for Scotland;
"the Parliament" means the Scottish Parliament.

(2) Any reference in this Act to the core functions of Scottish Water is to be construed by reference to section 70(2) of the 2002 Act.

36 Crown application

This Act binds the Crown.

37 Short title and commencement

(1) This Act may be cited as the Water Services etc. (Scotland) Act 2005.

(2) The provisions of this Act, except sections 33 to 36 and this section, come into force on such day as the Scottish Ministers may by order appoint.

(3) Different days may be so appointed for different provisions and for different purposes.

Status:
Point in time view as at 20/11/2015.

Changes to legislation:
There are currently no known outstanding effects for the Water Services etc. (Scotland) Act 2005, Cross Heading: General.