



Further and Higher Education (Scotland) Act 2005

2005 asp 6

PART 2

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.
- (3) A statutory instrument containing an order or regulations under this Act, apart from an order under section 36(2), is (except where subsection (4) applies) subject to annulment in pursuance of a resolution of the Parliament.
- (4) A statutory instrument containing—
 - (a) regulations under section 7(2)(i);
 - (b) an order under section 5(6), [F17(4)] or 9(6) or (7); F2...
 - [F3](ba) an order under section 7(1) (other than an order which is made only in consequence of a body changing its name or being closed);
 - (bb) an order under section 7B(2)(a) which establishes a regional board;
 - (bc) an order under section 7B(2)(b) which adds or removes an entry (but not including an order which removes an entry relating to a body which has been closed, wound up or has otherwise ceased to exist);
 - (bd) an order under section 7C(1) for which a proposal or approval under section 7C(2) is required;
 - (be) an order under section 9D(2) (other than an order which does no more than increase the amount specified in a previous order by an amount that is no greater than the amount which the Scottish Ministers, having had regard to

Changes to legislation: There are currently no known outstanding effects for the Further and Higher Education (Scotland) Act 2005, Section 34. (See end of Document for details)

any retail price index, consider is required in order to maintain the value of the previously specified amount in real terms);

- (bf) an order under section 23O(11);]
- (c) an order under section 33 which amends an Act^{F4}; or
- (ca) an order under paragraph 18 of schedule 2B (other than an order which does not more than vary the minimum number of members of a regional board or vary the maximum number of members which may be appointed in pursuance of paragraph 3(2)(f)),]

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

Textual Amendments

- F1** Word in s. 34(4)(b) substituted (10.10.2013) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(22\)\(a\)](#); S.S.I. 2013/281, art. 2, Sch.
- F2** Word in s. 34(4) omitted (10.10.2013) by virtue of [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(22\)\(b\)](#); S.S.I. 2013/281, art. 2, Sch.
- F3** S. 34(4)(ba)-(bf) inserted (10.10.2013 for specified purposes, 3.3.2014 for specified purposes, 31.3.2015 in so far as not already in force) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(22\)\(c\)](#); S.S.I. 2013/281, art. 2, Sch.; S.S.I. 2014/21, art. 2, Sch. 1; S.S.I. 2015/82, art. 2
- F4** S. 34(4)(ca) and preceding word inserted (1.5.2014) by [Post-16 Education \(Scotland\) Act 2013 \(asp 12\)](#), s. 23(2), [Sch. para. 8\(22\)\(d\)](#); S.S.I. 2014/79, art. 2(1), Sch. 1

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