

Climate Change (Scotland) Act 2009

2009 asp 12

PART 6

GENERAL AND MISCELLANEOUS

96 Subordinate legislation

- (1) Any power conferred by this Act on the Scottish Ministers to make orders or regulations is exercisable by statutory instrument.
- (2) Any such power—
 - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes;
 - (b) includes power to make such consequential, incidental, supplementary, transitory, transitional or saving provision as the Scottish Ministers consider appropriate.
- (3) An order or regulations under this Act may modify any enactment (including this Act).
- (4) Subject to subsections (5) to (8) and to section 97, no statutory instrument containing an order or regulations under this Act (other than an order under section 100(2)) may be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.
- (5) A statutory instrument containing an order mentioned in subsection (6) or regulations mentioned in subsection (7) is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (6) Those orders are orders under—
 - (a) section ^{F1}19(1)(b);
 - (b) section 46(1);
 - (c) paragraph 2(2) of schedule 1.
- (7) Those regulations are—
 - ^{F2}(a)
 - ^{F3}(aa) regulations under section 13A(1) that do not propose an increase to any limit on the maximum amount of carbon units that may be credited to the net Scottish emissions account for a year,]

Changes to legislation: There are currently no known outstanding effects for the Climate Change (Scotland) Act 2009, Section 96. (See end of Document for details)

- (b) the second or subsequent regulations under section 20(1) (other than regulations which make provision specifying a carbon unit of a kind not previously specified in regulations under that section);
 - (c) regulations under section 84(1) which make provision about one or more of the following matters only—
 - (i) the deposits mentioned in section 84(7)(c);
 - (ii) the form and content of notices mentioned in section 84(7)(i);
 - (iii) setting the registration fees mentioned in section 84(7)(l);
 - (d) regulations under Chapter 5 of Part 5 which make provision about the matter mentioned in section 89(4) only.
- (8) Subsection (5) does not apply to an order or regulations which includes provision modifying an Act or an Act of the Scottish Parliament.

Textual Amendments

- F1** Word in s. 96(6)(a) substituted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), s. 32(2), **sch. para. 13**; S.S.I. 2020/66, reg. 2
- F2** S. 96(7)(a) repealed (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 14(2)**, 32(2); S.S.I. 2020/66, reg. 2
- F3** S. 96(7)(aa) inserted (23.3.2020) by [Climate Change \(Emissions Reduction Targets\) \(Scotland\) Act 2019 \(asp 15\)](#), **ss. 15(2)**, 32(2); S.S.I. 2020/66, reg. 2

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