



# Scottish Crown Estate Act 2019

## 2019 asp 1

### PART 4

#### GENERAL

#### 42 Regulations

- (1) Any power of the Scottish Ministers to make regulations under this Act includes power to make—
  - (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (b) different provision for different purposes.
- (2) Regulations under section 3(1)—
  - (a) are subject to the affirmative procedure if they—
    - (i) relate to an asset all or part of which is situated in, or relates to, the Scottish marine area or the Scottish zone, or
    - (ii) add to, replace or omit any part of the text of an Act,
  - (b) otherwise, are subject to the negative procedure.
- (3) In subsection (2)(a)(i)—

“the Scottish marine area” is to be construed in accordance with section 1 of the Marine (Scotland) Act 2010, but does not include land which lies between the high and low water marks of ordinary spring tides,

“the Scottish zone” is to be construed in accordance with section 126(1) and (2) of the Scotland Act 1998.
- (4) Regulations under section 12(4) are subject to the affirmative procedure.
- (5) Regulations under section 6(1)(b) or 9(4) are subject to the negative procedure.
- (6) Regulations under section 16(2) or 43(1)—
  - (a) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure,
  - (b) otherwise, are subject to the negative procedure.
- (7) This section does not apply to regulations under section 46(2).

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Crown Estate Act 2019, Section 42.