

*These notes relate to the Bail and Release from Custody (Scotland) Act 2023 (asp 4) which received Royal Assent on 1 August 2023*

# **BAIL AND RELEASE FROM CUSTODY (SCOTLAND) ACT 2023**

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## **EXPLANATORY NOTES**

### **THE ACT: SECTION BY SECTION**

#### **Part 3: Final provisions**

##### *Section 17—Ancillary provision*

90. Section 17 enables the Scottish Ministers, by regulations, to make various types of ancillary provision if they think it appropriate to give full effect to the Act. This includes the power to make different provision for different purposes, and to modify any other legislation (whether primary or secondary) as well as the Act itself. Regulations made under this section that amend the text of primary legislation are subject to the affirmative procedure.<sup>1</sup> Otherwise, they are subject to the negative procedure.<sup>2</sup>

##### *Section 18—Commencement*

91. Section 18 sets out when the provisions of the Act come into effect as a matter of law. It provides that certain sections (that is, sections 6, 7 and 15 to 19) take effect on the day after Royal Assent. The other sections of the Act will take effect in accordance with regulations made by the Scottish Ministers. Those regulations may include transitional, transitory or saving provision and may make different provision for different purposes.

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<sup>1</sup> See [section 29 of the Interpretation and Legislative Reform \(Scotland\) Act 2010 \(legislation.gov.uk\)](#) for details of the affirmative procedure.

<sup>2</sup> See [section 28 of the Interpretation and Legislative Reform \(Scotland\) Act 2010 \(legislation.gov.uk\)](#) for details of the negative procedure.