



Agricultural Holdings (Scotland) Act 2003

2003 asp 11

PART 8

GENERAL PROVISIONS

91 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—
 - (a) to make such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider necessary or expedient; and
 - (b) to make different provision for different purposes.
- (3) A statutory instrument containing—
 - (a) an order under section 18(4)(b)(ii)^{F1} ..., 72(11) or, except where subsection (5) applies, section 92; or
 - (b) regulations under section [^{F2}5B(3), 9A(3),] [^{F3}18A(4)(b)(ii), 26(2), 38A(4)(c), 38B(6)(e), 38L(4)(c) or 38P(2)] ,is subject to annulment in pursuance of a resolution of the Parliament.
- (4) A statutory instrument containing—
 - (a) an order under section 27(5), 28(5), 70(9), 71(4) or 83; or
 - (b) regulations under section [^{F4}9B(3), 9C(6),] 36(7) [^{F5}, 38C(1), 38D(4), 38M(1), 38O(4), 59A] [^{F6}, 74 or 74A,]is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.
- (5) A statutory instrument containing an order under section 92 which amends an Act is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Changes to legislation: *Agricultural Holdings (Scotland) Act 2003, Section 91 is up to date with all changes known to be in force on or before 05 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Word in s. 91(3)(a) repealed (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(a\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.
- F2** Words in s. 91(3)(b) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(b\)\(i\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.
- F3** Words in s. 91(3)(b) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(b\)\(ii\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.
- F4** Words in s. 91(4)(b) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(c\)\(i\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.
- F5** Words in s. 91(4)(b) inserted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(c\)\(ii\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.
- F6** Words in s. 91(4)(b) substituted (23.12.2016) by [Land Reform \(Scotland\) Act 2016 \(asp 18\)](#), s. 130(1), [sch. 2 para. 19\(2\)\(c\)\(iii\)](#) (with s. 128); S.S.I. 2016/365, reg. 2, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7C inserted by [2016 asp 18 s. 93\(2\)](#)
- s. 7D inserted by [2016 asp 18 s. 106\(2\)](#)
- s. 8F8G inserted by [2016 asp 18 s. 94\(2\)](#)
- s. 16B inserted by [2016 asp 18 s. 95\(2\)](#)
- s. 17A inserted by [2016 asp 18 s. 96\(2\)](#)
- s. 18B inserted by [2016 asp 18 s. 97\(2\)](#)
- s. 26(1)(1A) substituted for s. 26(1) by [2016 asp 18 s. 99\(4\)\(a\)](#)
- s. 26(3) inserted by [2016 asp 18 s. 99\(4\)\(c\)](#)