

*These notes refer to the Electronic Communications Act
2000 (c.7) which received Royal Assent on 25 May 2000*

ELECTRONIC COMMUNICATIONS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II Facilitation of electronic commerce, data storage, etc.

Section 9: Supplemental provision about section 8 orders

57. This section says who may make section 8 orders, and sets out supplementary provisions relating to such orders; it contains standard provisions commonly accorded to powers to make subordinate legislation, such as an ability to make supplementary provision.
58. *Subsections (3) and (4)* provide that the regulations made under section 8 will be subject to a choice of either affirmative or negative resolution procedure in both Houses of Parliament. The Government intends to use affirmative resolution at least for the first order, so that the general principles can be debated. *Subsection (7)* provides for the power to be exercised by the Scottish Ministers, with the consent of the Secretary of State, in relation to Scottish devolved matters. Scottish legislation is brought within the ambit of the power by virtue of the definitions of *enactment* and *subordinate legislation* in section 15.