



Charities and Trustee Investment (Scotland) Act 2005

2005 asp 10

PART 4 **S**

GENERAL AND SUPPLEMENTARY

103 Orders, regulations and rules **S**

- (1) Any power of the Scottish Ministers under this Act to make orders, regulations or rules is exercisable by statutory instrument.
- (2) Any such power includes power to make—
 - (a) such incidental, supplemental, consequential, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,
 - (b) different provision for different purposes.
- (3) An order under section 102 may modify any enactment, instrument or document [^{F1}(including this Act)].
- (4) A statutory instrument containing an order, regulations or rules under this Act except—
 - [^{F2}(a) an order, regulations or rules specified in subsection (5),
 - (b) an order under section 107(2),]is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (5) No—
 - [^{F3}(za) regulations under section 5(5),
 - (a) order under section 7(5),
 - (b) order under section 19(8),
 - [^{F4}(ba) regulations under section 30A(6),]
 - [^{F5}(bb) regulations under section 42(10),]
 - [^{F6}(c) regulations under section 64(1)—
 - (i) made by virtue of paragraph (d) of that section, or

Changes to legislation: Charities and Trustee Investment (Scotland) Act 2005, Section 103 is up to date with all changes known to be in force on or before 11 June 2024. 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

- (ii) containing provisions which add to, replace or omit any part of the text of an Act,]
- (d) regulations under section 83(1) containing provisions of the type described in section 83(2)(h), or
- (e) order under section 102 containing provisions which add to, replace or omit any part of the text of an Act,

may be made unless a draft of the statutory instrument containing the regulations or, as the case may be, order has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

- F1** Words in s. 103(3) inserted (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), s. 21(2), **sch. para. 18(4)(a)**; S.S.I. 2024/63, reg. 2(1), sch. Pt. 1
- F2** S. 103(4)(a)(b) substituted for s. 103(4)(a)-(f) (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), s. 21(2), **sch. para. 18(4)(b)**; S.S.I. 2024/63, reg. 2(1), **sch. Pt. 1**
- F3** S. 103(5)(za) inserted (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), **ss. 18(8)(a)**, 21(2); S.S.I. 2024/63, reg. 2(1), sch. Pt. 1 (with reg. 5)
- F4** S. 103(5)(ba) inserted (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), **ss. 18(8)(b)**, 21(2); S.S.I. 2024/63, reg. 2(1), sch. Pt. 1 (with reg. 5)
- F5** S. 103(5)(bb) inserted (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), **ss. 14(3)**, 21(2); S.S.I. 2024/63, reg. 2(1), sch. Pt. 1
- F6** S. 103(5)(c) substituted (1.4.2024) by Charities (Regulation and Administration) (Scotland) Act 2023 (asp 5), s. 21(2), **sch. para. 18(4)(c)**; S.S.I. 2024/63, reg. 2(1), sch. Pt. 1

Changes to legislation:

Charities and Trustee Investment (Scotland) Act 2005, Section 103 is up to date with all changes known to be in force on or before 11 June 2024. 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.

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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. 2(1A) inserted by [2023 asp 5 sch. para. 1\(2\)](#)
- s. 3(3)(aa) inserted by [2023 asp 5 s. 2\(2\)\(a\)](#)
- s. 17(1)(ba) inserted by [2023 asp 5 s. 3\(2\)](#)
- s. 44(1)(ca) inserted by [2023 asp 5 s. 10\(2\)\(a\)\(i\)](#)
- s. 44(4A) inserted by [2023 asp 5 s. 10\(2\)\(b\)](#)
- s. 45B and cross-heading inserted by [2023 asp 5 s. 10\(3\)](#)
- s. 66A and cross-heading inserted by [2023 asp 5 s. 3\(3\)](#)
- s. 69(2)(a)(ai) inserted by [2023 asp 5 s. 4\(2\)\(a\)\(i\)](#)
- s. 69(2)(b)(i) words in s. 69(2)(b) renumbered as s. 69(2)(b)(i) by [2023 asp 5 s. 5\(2\)\(a\)\(i\)](#)
- s. 69(2)(b)(i) words inserted by [2023 asp 5 s. 5\(2\)\(a\)\(ii\)](#)
- s. 69(2)(b)(ii) inserted by [2023 asp 5 s. 5\(2\)\(a\)\(iii\)](#)
- s. 69(2)(f)-(i) inserted by [2023 asp 5 s. 5\(2\)\(d\)](#)
- s. 69(2)(da)(db) inserted by [2023 asp 5 s. 5\(2\)\(c\)](#)
- s. 69(2A) inserted by [2023 asp 5 s. 5\(3\)\(b\)](#)
- s. 69(3A) inserted by [2023 asp 5 s. 5\(3\)\(c\)](#)
- s. 69(7) inserted by [2023 asp 5 s. 5\(3\)\(e\)](#)
- s. 69A inserted by [2023 asp 5 s. 4\(3\)](#)
- s. 69B inserted by [2023 asp 5 s. 6\(2\)](#)
- s. 70(4)-(6) inserted by [2023 asp 5 s. 5\(4\)\(b\)](#)
- s. 70ZA70ZB inserted by [2023 asp 5 s. 7\(3\)](#)
- s. 71(pc) inserted by [2023 asp 5 s. 7\(4\)](#)
- s. 103(5)(ca) inserted by [2023 asp 5 s. 5\(5\)](#)
- s. 103(5)(cb) inserted by [2023 asp 5 s. 4\(4\)](#)