



Tobacco and Primary Medical Services (Scotland) Act 2010

2010 asp 3

PART 3

GENERAL PROVISION

40 Orders and regulations

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes a power to make—
 - (a) such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate,
 - (b) different provision for different purposes.
- (3) Unless subsection (4) makes contrary provision, a statutory instrument containing an order (other than an order made under section 43) or regulations made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) An order or regulations must not be made under any of the following provisions unless a draft of the statutory instrument containing the order or, as the case may be, the regulations has been laid before, and approved by a resolution of, the Scottish Parliament—
 - [^{F1}section 4B(4)]
 - section 24
 - section 35(3)
 - section 42 (but only if the order contains provisions which add to, replace or omit any part of the text of an Act)
 - paragraphs 3, 4, 10 and 11 of schedule 1.

Status: Point in time view as at 01/04/2017.

Changes to legislation: *There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 40. (See end of Document for details)*

Textual Amendments

- F1** Words in s. 40(4) inserted (1.4.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#) (asp 14), [ss. 3\(2\)](#), [36\(2\)](#); S.S.I. 2017/12, reg. 2, sch.

Status:

Point in time view as at 01/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 40.