



# Mental Health (Care and Treatment) (Scotland) Act 2003

## 2003 asp 13

### PART 23

#### GENERAL

#### 326 Orders, regulations and rules

- (1) Any power conferred by this Act on the Scottish Ministers to make orders, regulations or rules shall be exercisable by statutory instrument.
- (2) Any power conferred by this Act on the Scottish Ministers to make orders, regulations or rules—
  - (a) may be exercised so as to make different provision for different cases or descriptions of case or for different purposes; and
  - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Scottish Ministers consider appropriate.
- (3) A statutory instrument containing an order, regulations or rules made under this Act (other than an order under section 333(2) or (3) of this Act) shall, subject to subsection (4) below, be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) A statutory instrument containing—
  - (a) an order under paragraph 3(3) of schedule 1 to this Act;
  - (b) an order under section 330(1) of this Act containing provisions adding to, replacing or omitting any part of the text of an Act; or
  - (c) regulations under section 21(3), 66(2), 234(2)(b), 237(3)(b), 240(3)(d), 240(5), 244, 268(11) to (14), 281(9), 284, 286, 290, 309, 310 or 313(5) of this Act,

shall not be made unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.