



# Regulatory Reform (Scotland) Act 2014

## 2014 asp 3

### PART 5

#### GENERAL

VALID FROM 30/06/2014

#### **57 Consequential modifications and repeals**

Schedule 3 makes minor modifications of enactments (including repealing enactments that are spent) and modifications consequential on the provisions of this Act.

#### **58 Subordinate legislation**

- (1) Any power of the Scottish Ministers to make an order or regulations under this Act includes power to make—
  - (a) different provision for different purposes,
  - (b) incidental, supplemental, consequential, transitional, transitory or saving provision.
- (2) The power to make regulations under section 1 includes power to modify any enactment (including this Act other than that section and sections 2, 3 and 7).
- (3) The following orders are subject to the affirmative procedure—
  - (a) an order under section 9, 12, 20 or 23,
  - (b) an order under section 7 that contains provision such as is mentioned in subsection (1)(a) of that section,
  - (c) an order under that section that specifies under subsection (2) of that section—
    - (i) that a function is to be a regulatory function for the purposes of section 1, 4 or 5,
    - (ii) the extent to which a function is to be a regulatory function for such purposes,

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*Status: Point in time view as at 20/02/2014. This version of this part contains provisions that are not valid for this point in time.*

*Changes to legislation: Regulatory Reform (Scotland) Act 2014, PART 5 is up to date with all changes known to be in force on or before 20 September 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)*

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- (d) an order under section 59(1) which contains provisions that add to, replace or omit any part of the text of an Act.
- (4) The following regulations are subject to the affirmative procedure—
  - (a) regulations under section 1,
  - (b) regulations under section 18 which contain provisions that add to, replace or omit any part of the text of an Act.
- (5) All other orders and regulations under this Act are subject to the negative procedure.
- (6) This section does not apply to an order under—
  - (a) section 61(2), or
  - (b) paragraph 30 of schedule 2.

## **59 Ancillary provision**

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) An order under this section may modify any enactment (including this Act), instrument or document.

## **60 Crown application**

- (1) No contravention by the Crown of any provision made by or under this Act makes the Crown criminally liable.
- (2) But the Court of Session may, on the application of the Scottish Ministers or any public body or office-holder having responsibility for enforcing the provision, declare unlawful any act or omission of the Crown which constitutes such a contravention.
- (3) Despite subsection (1), any provision made by or under the provisions of this Act applies to persons in the public service of the Crown as it applies to other persons.

## **61 Commencement**

- (1) This Part (other than section 57) comes into force on the day after Royal Assent.
- (2) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.
- (3) An order under subsection (2) may include transitional, transitory or saving provision.

## **62 Short title**

The short title of this Act is the Regulatory Reform (Scotland) Act 2014.

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