

NATIONAL PARKS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

Section 34: Orders

80. This section sets out the procedures under which the powers to make orders under the Act are to be exercised. Under *subsection (1)*, orders under the Act are to be made by statutory instrument. *Subsection (2)* makes clear that power to make an order includes power to make incidental provisions as the Scottish Ministers consider necessary or expedient. This is in addition to the power in section 33 - in other words, incidental provisions can be included in a designation order or in a free-standing order under section 33.
81. *Subsection (4)* makes clear that the powers in sections 6(1), 30(1) and 33 or paragraph 4 of schedule 1 include power to modify enactments, instruments and documents. *Subsection (5)* requires any order made under section 6(1) (a designation order setting up a National Park), 30(1) (an order modifying or revoking a designation order) or 31 (an order relating to marine National Parks) or paragraph 4 of schedule 1 to be considered and approved in draft by affirmative resolution of the Parliament before it is made. *Subsection (6)* applies the same procedure to any order made under section 33 which provides for textual amendment of an Act.
82. *Subsection (7)* provides that certain orders made under the Act are to be subject to negative resolution procedure (i.e. laid before the Parliament and having effect unless a motion to annul the order is agreed to). These are orders made under section 30(4) (modifying the procedure to be followed for publication/consultation on modifications to, or revocation of, a designation order) or orders made under section 33 (unless textually amending other Acts, in which case they are subject to the affirmative procedure).