



Criminal Justice (Scotland) Act 2003

2003 asp 7

PART 12

MISCELLANEOUS AND GENERAL

General

88 Orders

- (1) Any power of the Scottish Ministers to make orders or regulations under this Act is exercisable by statutory instrument; and subject to subsection (2) a statutory instrument containing any such order or regulations, other than an order under section 89(2), is subject to annulment in pursuance of a resolution of the Parliament.
- (2) A statutory instrument containing an order under section—
 - (a) 6(1)(b), 11(1), 14(1) [^{F1}or (2)], 14(12) (including as applied to section 16(5)), 16(4) [^{F2}, 18B] or 42(5); or
 - (b) [^{F3}14(13) or] 84 which amends or repeals any part of an Act,is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

Textual Amendments

- F1** Words in s. 88(2)(a) inserted (18.3.2021) by [The Criminal Justice \(Scotland\) Act 2003 \(Supplemental Provisions\) Order 2021 \(S.S.I. 2021/150\)](#), arts. 1(2), **2(3)**
- F2** Word in s. 88 inserted (30.9.2017) by [Mental Health \(Scotland\) Act 2015 \(asp 9\)](#), ss. **59(3)**, 61(2); [S.S.I. 2017/234](#), art. 2(2)(b)
- F3** Words in s. 88(2)(b) inserted (10.2.2021) by [Victims and Witnesses \(Scotland\) Act 2014 \(asp 1\)](#), ss. **23(14)**, 34; [S.S.I. 2020/405](#), art. 2(a)

Changes to legislation:

Criminal Justice (Scotland) Act 2003, Section 88 is up to date with all changes known to be in force on or before 08 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) and purposes Appointed Day(s) by [S.S.I. 2003/439 art. 23Sch.](#) (Effect not applied to [legislation.gov.uk](#). This S.S.I. is revoked (1.10.2003) by S.S.I. 2003/475, art. 4)

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. 16D inserted by [2023 asp 4 s. 14\(3\)](#)
- s. 16ZA inserted by [2023 asp 4 s. 14\(2\)](#)
- s. 17E(6) inserted by [2023 asp 4 s. 14\(7\)\(d\)](#)
- s. 17DA inserted by [2023 asp 4 s. 14\(6\)](#)
- s. 17ZA inserted by [2023 asp 4 s. 14\(4\)](#)
- s. 18A(5) inserted by [2023 asp 4 s. 14\(8\)\(b\)](#)