

*These notes relate to the Smoking, Health and Social Care (Scotland)  
Act 2005 (asp 13) which received Royal Assent on 5 August 2005*

# **SMOKING, HEALTH AND SOCIAL CARE (SCOTLAND) ACT 2005**

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## **EXPLANATORY NOTES**

### **SCOTTISH HOSPITAL ENDOWMENTS RESEARCH TRUST**

#### **Part 7: General**

#### ***Section 40 – Regulations or orders***

191. This section provides that powers to make orders or regulations in the Act shall be exercisable by statutory instrument. Subsection (2) provides that except where otherwise provided, the statutory instruments containing such orders or regulations shall be subject to negative procedure in the Scottish Parliament. Subsection (3) provides that the following orders or regulations shall be the subject of affirmative resolution:

- (a) regulations under sections 3(3) or 4(2) or (8) or paragraph 2, 4(1), 5(2), 12 or 13 of Schedule 1;
- (b) an order under section 9(1) or 33(4)(e); and
- (c) an order under section 39 which contains provisions which alter the text of an Act.