

*These notes relate to the Legal Profession and Legal Aid
(Scotland) Act (asp 5) which received Royal Assent on 19 January
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LEGAL PROFESSION AND LEGAL AID (SCOTLAND) ACT (ASP 5) WHICH RECEIVED ROYAL ASSENT ON 19 JANUARY 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – General

Section 79: Regulations or orders

220. **Section 79** provides that any power conferred on the Scottish Ministers by the Act to make orders or regulations must be exercised by statutory instrument, and may be exercised so as to make different provision for different purposes. The section specifies that statutory instruments containing an order or regulations made under the Act are to be subject to negative resolution procedure, except -

- orders under section 10(7) or 24(8) amending the maximum amount of compensation available under those sections;
- regulations under section 41(1) adjusting the duties or powers of the Commission;
- orders under section 78(1) making ancillary provision which adds to, replaces or omits any part of the text of an Act; and
- orders under paragraph 2(7) of Schedule 1 varying the numbers of members of the Commission.

which are to be subject to affirmative procedure, requiring a draft of the instrument to be laid before and approved by resolution of the Parliament.