



# Tobacco and Primary Medical Services (Scotland) Act 2010

## 2010 asp 3

### PART 3

#### GENERAL PROVISION

#### 40 Orders and regulations

- (1) Any power of the Scottish Ministers under this Act to make an order or regulations is exercisable by statutory instrument.
- (2) Any such power includes a power to make—
  - (a) such incidental, consequential, transitional, transitory or saving provision as the Scottish Ministers consider appropriate,
  - (b) different provision for different purposes.
- (3) Unless subsection (4) makes contrary provision, a statutory instrument containing an order (other than an order made under section 43) or regulations made under this Act is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (4) An order or regulations must not be made under any of the following provisions unless a draft of the statutory instrument containing the order or, as the case may be, the regulations has been laid before, and approved by a resolution of, the Scottish Parliament—
  - [<sup>F1</sup>section 4B(4) ]
  - section 24
  - section 35(3)
  - section 42 (but only if the order contains provisions which add to, replace or omit any part of the text of an Act)
  - paragraphs 3, 4, 10 and 11 of schedule 1.

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*Changes to legislation: There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Part 3. (See end of Document for details)*

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### Textual Amendments

- F1** Words in s. 40(4) inserted (1.4.2017) by [Health \(Tobacco, Nicotine etc. and Care\) \(Scotland\) Act 2016](#) (asp 14), [ss. 3\(2\)](#), [36\(2\)](#); S.S.I. 2017/12, reg. 2, sch.

## 41 Minor and consequential modifications

Schedule 2 has effect.

## 42 Ancillary provision

- (1) The Scottish Ministers may by order make—
  - (a) such incidental or consequential provision, or
  - (b) such transitional, transitory or saving provision,as they consider appropriate for the purposes of, or in connection with, or for the purposes of giving full effect to, any provisions of this Act.
- (2) An order under subsection (1) may modify any enactment, instrument or document.

## 43 Short title and commencement

- (1) This Act may be cited as the Tobacco and Primary Medical Services (Scotland) Act 2010.
- (2) This Part comes into force on Royal Assent.
- (3) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Part 3.