



# 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, Section 40. (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.

**Changes to legislation:**

There are currently no known outstanding effects for the Tobacco and Primary Medical Services (Scotland) Act 2010, Section 40.