

*These notes relate to the Judiciary and Courts (Scotland) Act 2008 (asp 6) which received Royal Assent on 29 October 2008*

# **JUDICIARY AND COURTS (SCOTLAND) ACT 2008**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### **Part 5 - General**

##### ***Section 71 – Orders and regulations***

124. This section sets out the procedure under which the Scottish Ministers can exercise powers which the Act gives them to make subordinate legislation. All orders and regulations are to be made by statutory instrument (and will be published as such). Most will be subject to the Scottish Parliament's negative resolution procedure. Orders under section 70(2) (default power) are to be made as described in paragraph 124 above. Commencement orders made under section 76(1) are not subject to parliamentary procedure. Orders modifying the membership of the SCS under paragraph 2(4) of schedule 3 and orders which are made under section 74(1) which amend primary legislation are subject to the Scottish Parliament's affirmative resolution procedure.