

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 11 - General

Section 201 - Orders and regulations

795. This section regulates the powers of the Scottish Ministers contained in the Act to make regulations and orders. It provides for these powers to be exercisable by statutory instrument, and provides standard powers for instruments to include ancillary provisions and to make different provisions for different purposes. It also provides for the level of Parliamentary procedure to which any instrument is to be subject. In particular, section 201(4)(d) provides that any order brought forward under the powers contained in section 204 which modifies any enactment (which could be through either textual or non textual amendment) will be subject to affirmative resolution procedure.

Section 202 – Interpretation

796. This section provides short references for three enactments referred to frequently throughout the Act.

Section 203 - Modification of enactments

797. This section introduces Schedule 7 which makes modifications to certain enactments.

Section 204 – Ancillary provision

798. This section allows the Scottish Ministers by order to make supplementary, incidental or consequential provisions in connection with any provision of the Act.

Section 205 -Transitional provision etc.

799. This section allows the Scottish Ministers by order to make transitory, transitional or savings provisions in connection with the coming into force of any provision of the Act.

Section 206 – Short title and commencement

800. This section provides for commencement of the majority of the Bill to be made by order. Sections 201, 202, 204, 205 and 206 will commence upon Royal Assent.