



# Interpretation Act 1978

## 1978 CHAPTER 30

### *Statutory powers and duties*

#### **12 Continuity of powers and duties.**

- (1) Where an Act confers a power or imposes a duty it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, from time to time as occasion requires.
- (2) Where an Act confers a power or imposes a duty on the holder of an office as such, it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, by the holder for the time being of the office.

#### **13 Anticipatory exercise of powers.**

Where an Act which (or any provision of which) does not come into force immediately on its passing confers power to make subordinate legislation, or to make appointments, give notices, prescribe forms or do any other thing for the purposes of the Act, then, unless the contrary intention appears, the power may be exercised, and any instrument made thereunder may be made so as to come into force, at any time after the passing of the Act so far as may be necessary or expedient for the purpose—

- (a) of bringing the Act or any provision of the Act into force; or
- (b) of giving full effect to the Act or any such provision at or after the time when it comes into force.

#### **14 Implied power to amend.**

Where an Act confers power to make—

- (a) rules, regulations or byelaws; or
- (b) Orders in Council, orders or other subordinate legislation to be made by statutory instrument,

it implies, unless the contrary intention appears, a power, exercisable in the same manner and subject to the same conditions or limitations, to revoke, amend or re-enact any instrument made under the power.

*Status: Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Interpretation Act 1978, Cross Heading: Statutory powers and duties. (See end of Document for details)*

VALID FROM 25/04/2013

**[<sup>F1</sup>14A Power to include sunset and review provisions in subordinate legislation**

- (1) This section applies where an Act confers a power or a duty on a person to make subordinate legislation except to the extent that—
  - (a) the power or duty is exercisable by the Scottish Ministers, or
  - (b) the power or duty is exercisable by any other person within devolved competence (within the meaning of the Scotland Act 1998).
- (2) The subordinate legislation may include—
  - (a) provision requiring the person to review the effectiveness of the legislation within a specified period or at the end of a specified period;
  - (b) provision for the legislation to cease to have effect at the end of a specified day or a specified period;
  - (c) if the power or duty is being exercised to amend other subordinate legislation, provision of the kind mentioned in paragraph (a) or (b) in relation to that other legislation.
- (3) The provision that may be made by virtue of subsection (2)(a) includes provision requiring the person to consider whether the objectives which it was the purpose of the legislation to achieve remain appropriate and, if so, whether they could be achieved in another way.
- (4) Subordinate legislation including provision of a kind mentioned in subsection (2) may make such provision generally or only in relation to specified provisions of the legislation or specified cases or circumstances.
- (5) Subordinate legislation including provision of a kind mentioned in subsection (2) may make transitional, consequential, incidental or supplementary provision or savings in connection with such provision.
- (6) In this section, “specified” means specified in the subordinate legislation.]

**Textual Amendments**

- F1** S. 14A inserted (25.4.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), **ss. 59(2)**, 103(1)(e)

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