



Energy Act 2010

2010 CHAPTER 27

PART 4

FINAL PROVISIONS

31 Orders and regulations

(1) Orders and regulations under this Act are to be made by statutory instrument.

[^{F1}(1A) Subsection (1) does not apply to regulations made by the Scottish Ministers (see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010: functions exercisable by Scottish statutory instrument).]

(2) A statutory instrument containing regulations under—

- (a) any provision of Part 1,
- (b) section 9 or 15(3), or
- (c) section 26,

may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(3) But subsection (2)(a) does not apply to a statutory instrument that contains regulations under section 6 if—

- (a) the regulations under that section do not amend an Act, and
- (b) the instrument does not contain regulations under any other provision of Part 1;

and, in such a case, the instrument is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument containing—

- (a) regulations under section 11, or
- (b) an order under section 23, 28(5) or 29(2),

is subject to annulment in pursuance of a resolution of either House of Parliament.

Changes to legislation: There are currently no known outstanding effects for the Energy Act 2010, Section 31. (See end of Document for details)

- [^{F2}(4A) Regulations made by the Scottish Ministers under section 9 are subject to the affirmative procedure (see section 29 of the Interpretative and Legislative Reform (Scotland) Act 2010).]
- (5) An order or regulations under this Act may—
- (a) include incidental, supplementary and consequential provision;
 - (b) make transitory or transitional provision or savings;
 - (c) make different provision for different cases or circumstances or for different purposes.
- (6) Regulations [^{F3}made by the Secretary of State] under Part 1 or 2 may impose obligations or confer functions on a person (including the Secretary of State).
- [^{F4}(6A) Regulations made by the Scottish Ministers may impose obligations or confer functions on a person (including the Scottish Ministers).]
- (7) Regulations under Part 1 may amend provision made by or under an Act or an Act of the Scottish Parliament (whenever passed or made).
- (8) But the Secretary of State must obtain the consent of the Scottish Ministers before making regulations under Part 1 which contain provision that—
- (a) is included by virtue of subsection (7),
 - (b) extends to Scotland, and
 - (c) would be within the legislative competence of the Scottish Parliament if contained in an Act of that Parliament.
- (9) If, but for this subsection, an instrument containing regulations under this Act would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.
- (10) In this section “order” means an order made by the Secretary of State.

Textual Amendments

- F1** S. 31(1A) inserted (1.12.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), ss. 58(5), 72(4)(d) (with s. 58(9)); S.I. 2017/1157, regs. 3(a), 4
- F2** S. 31(4A) inserted (1.12.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), ss. 58(6), 72(4)(d) (with s. 58(9)); S.I. 2017/1157, regs. 3(a), 4
- F3** Words in s. 31(6) inserted (1.12.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), ss. 58(7), 72(4)(d) (with s. 58(9)); S.I. 2017/1157, regs. 3(a), 4
- F4** S. 31(6A) inserted (1.12.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Scotland Act 2016 (c. 11), ss. 58(8), 72(4)(d) (with s. 58(9)); S.I. 2017/1157, regs. 3(a), 4

Changes to legislation:

There are currently no known outstanding effects for the Energy Act 2010, Section 31.