



Education Reform Act 1988

1988 CHAPTER 40

PART IV

MISCELLANEOUS AND GENERAL

Supplementary

232 Orders and regulations

- (1) Any power of the Secretary of State to make orders or regulations under this Act (other than under any of the excepted provisions) shall be exercised by statutory instrument.
- (2) For the purposes of subsection (1) above the excepted provisions are sections 27(5), 34(1), 35(6), 40(4), 53(2), 58(2), 59(1), 91, 94, 102, 140(1), 141(6), 145(6), 151(4), 156(10) and 157, paragraph 1 of Schedule 5, paragraph 1(4) of Schedule 7 and paragraph 4 of Schedule 9.
- (3) No order shall be made under section 3(4)(a), 24 or 227 of this Act unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (4) A statutory instrument containing—
 - (a) an Order in Council made under section 207 of this Act which amends or repeals any provision of an Act; or
 - (b) any order or regulations made by the Secretary of State under this Act, other than an order under section 3(4)(a), 4(2)(c), 24, 52(7), 214, 216, 227 or 236;shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Orders or regulations under this Act may make different provision for different cases or circumstances and may contain such incidental, supplemental or transitional provisions as the Secretary of State thinks fit.

Status: This is the original version (as it was originally enacted).

- (6) Without prejudice to subsection (5) above, orders under this Act, and regulations under any provision of this Act other than section 218(1)(a), (b) or (c), (5) or (6), may make in relation to Wales provision different from that made in relation to England.